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THE BIG MONEY SHUNS CHILE**

THE MAZE OF SCHOOL DESEGREGATION

Litmus Test for Griffin Bell

Stephen Gillers

THE GREAT STRIP MINE FLOOD/PHIL PRIMACK

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EDITORIALS

Israel Thumps the Bible

Nothing in the Middle East seems to turn out as expected, and the normal turbulence there has been greatly increased by the election in Israel. Uncertainties about the course of action to be taken by any of the nations involved are larger than ever.

The one sure thing is that in Israel the Likud coalition, basically right-wing and hard-line, will form a government in some sort of arrangement with minor parties; the Labor alignment that has governed Israel ever since independence is out in the wilderness, driven there by its own corruption, bureaucratic top-heaviness and lack of serious contact with old constituencies. One immediate question is whether Menahem Begin, the leader of Likud, will be able to lead the new government—his health is exceedingly frail.

For the United States, the new political situation in Israel poses every kind of problem. President Carter has shown, from the time he took office, determination to apply every pressure that might help to produce a settlement between Israel and its Arab neighbors. He has been so clear on this that, in some quarters, he is being blamed for the results of an election that brought the most intransigent faction to power. The theory, and it is no more than that, is that his public statements urging concessions by Israel on the occupied territories changed enough votes to defeat Labor and bring to power the hardest of the hard-liners.

It seems more likely that internal considerations played a larger role. Not only was Labor burdened with scandals that forced Rabin to resign as Prime Minister but the whole electoral base of the alignment had eroded after three decades in power. The fact is that Israel's ethnic majority, so to speak, is no longer European, as are the cadres of Labor.

The waves of immigration have washed up on those shores masses of Oriental Jews, natives of Arab lands, refugees who hate the memory of their sufferings in those countries. The idea of any accommodation with the Arabs, and especially of being squeezed between the two parts of a proposed Palestine state (Gaza and the West Bank of the Jordan) frightens them. They are therefore the natural constituents of a party like Likud. Then there is the fact that the reformist new party, Yigal Yadin's Democratic Movement for Change, won its seats at the expense of Labor.

One can wonder about the sense, not to say statesman-like qualities, of Begin, who went to the West Bank right after the election and defiantly promised new settlements there. It was an extreme act in the context of Israeli politics, since that question is the subject of profound dispute in Israel, and some of Begin's potential partners in what must be a coalition government are against new West Bank settlements. Likud has pulled back from that position, in an effort to get Yadin's DMC to join in forming a government, and now promises no change in the status of the West Bank without a new mandate in another election.

Begin calls that area by its Biblical names, Judea and Samaria, reflecting his strong belief in Israel's entitlement to that historic territory, won by conquests just ten years ago. He seems to believe that, because President Carter "knows the Bible by heart," as he puts it, he will therefore accept Israel's claim to the West Bank as a matter of right. It is most unlikely that Carter will take such a fundamentalist view of the matter, given the geopolitical imperatives he will naturally have in mind. And he has spoken quite openly about the Palestinians' right to a "homeland" that would include the West Bank.

Begin is undoubtedly more realistic than his words and acts would suggest. He must know that if an American President is really bent on trying once more to bring about (or impose, if you will) a settlement in the Middle East, he will not give away the West Bank card as the bidding begins. He apparently believes that the Carter plan, if one exists, is merely an updated version of the Rogers proposal of 1969, which, like any possible plan for an Israeli-Arab deal, involves territorial concessions in exchange for genuine Arab acceptance of Israel's right to exist. He constantly recalls Golda Meir's statement that any government of Israel that accepted such an arrangement "would commit treason." There is little flexibility on Begin's side of the table (if indeed he will ever sit down at one, across from the hated Arabs).

As for Carter, he has been as emphatic as ever since the returns came in from Jerusalem. At Notre Dame on May 22 the President declared that this may be "the most propitious time" ever for "a genuine settlement" and that letting "this opportunity pass could mean disaster." Like the rest of the world, the United States must now wait to see what will happen, what kind of coalition Likud can make, and what, if anything, can then be done. Our principal Arab "friends," the Saudis, are more urgent than ever in demanding American pressure on Israel as a condition of continuing good relations with them. One of these days they will demand results, which will pose a whole new set of problems.

Carter has a strong hand in this game but not necessarily a winning one. Without American arms, Israel would be helpless. But the pipeline is full (though never full enough for the Israelis) and it would be years before Israel lost the ability to take on the Arabs and at least hold its own. Begin, in an interview with *Time*, faced this question squarely when he called it "inconceivable" that Carter "of all people should try to bring Israel to her knees" by withholding the weapons of survival. And even if Carter were willing to go that far, it is doubtful that he could carry Congress with him—lacking the direct responsibility for foreign policy, and more responsive to constituency pressures, Congress has always been more hawkish on Israel than the White House.

A comfortable but probably unrealistic scheme would draw an analogy between Begin the hard-liner on the Arabs and Nixon the hard-liner on communism—with détente the result in both cases. Begin's tough line since the election would seem to explode that parallel, and the strategic factors are, in any case, utterly different.

It is impossible now to predict what a Likud government will do or how it can be influenced by the world outside, starting with the United States. It seems quite

likely that Carter's "propitious time" will pass without serious moves toward peace. Likud will face all kinds of difficulty in governing that complex nation and it is possible that a reformed and reconstituted Labor majority will be back in power before four years have passed.

Given that coalition's history, its return to office would be no guarantee of Israeli steps toward a settlement with the Arabs. And, of course, a very great deal depends on the steps which the Arab nations have always had it in their power, and failed, to take. The situation of the Middle East is as volatile as ever and perhaps slightly more dangerous than it was before the election. It calls for steadiness, firmness and patience here as well as there.

Labor on Labor

Two unexpected incidents at the recent United Auto Workers union convention in Los Angeles were reminders that the union, under the leadership of Douglas Fraser, its new president, is determined to play a large role in the social and union issues facing the nation.

The first concerned the issue of National Health Insurance, in the context of President Carter's appearance at the convention. He was warmly greeted, as was the announcement that Leonard Woodcock, the retiring UAW president, would soon be appointed special envoy to China with ambassadorial rank. The UAW delegates are proud of Woodcock and the union that produced such a leader. But the intense applause and standing ovation given to the mere mention of National Health Insurance took the President momentarily aback. But Carter got the message—that the UAW has its own list of legislative priorities and they are not necessarily his—and he quickly slipped into his written text a comment that health legislation would be introduced next year.

For background, it should be noted that on the previous night Sen. Edward Kennedy, at an affair honoring Woodcock, had made a moving speech on the subject of National Health Insurance—a speech White House contacts had suggested not be given. The next morning, Carter's remarks on the health issue had the earmarks of a hasty rewrite job. Neither Senator Kennedy nor the UAW leaders took kindly to the clumsy White House tactic, and were therefore especially pleased by the delegates' intense "lobbying" for their own priorities.

The incident exemplifies a policy that Fraser and the union have been stressing both publicly and privately. The UAW intends to stay clear of the kind of political alliances in which labor gives substance and gets small favors in return. Independence is the key word for the auto workers, though within the framework of a policy understanding. As Fraser puts it, "We must not forget that Democratic Jimmy Carter at his worst is better than Jerry Ford at his best." He had come out of the White House meeting between AFL-CIO leaders and the President, enchanted neither by the Oval Office nor the vulgar blunderbuss approach of "Organized Labor Spokesmen." When Leonard Woodcock, speaking at his retirement party, told the audience that "Ted Kennedy is the man I most admire in American political life," it was heartfelt, and shared by other UAW leaders.

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The second significant incident at Los Angeles was the emergence of a large and intense anti-Meany, anti-AFL-CIO sentiment among the 3,000 delegates during the debate on the question of holding a special convention within six months to consider reaffiliation with the AFL-CIO. The sharp division manifested on the issue led most observers to estimate that if it had been voted on at the regular convention, the delegates would have turned it down. My own hunch was that reaffiliation would have carried by a small margin, but only after Fraser put his full powers of persuasion behind it.

There was no doubt about the hostility and lack of respect for Meany and the AFL-CIO expressed not only by the handful of "New Left" sects peacefully passing out literature outside the convention doors but by a solid phalanx of UAW secondary leaders. One important AFL-CIO leader took the occasion of the convention to express his views on George Meany and his policies, while urging the UAW to rejoin. He was Bill Winpisinger, president-elect of the large Machinists union. In an interview with Harry Bernstein of the *Los Angeles Times*, Winpisinger laid it on the line in language which indicates how the issues will be discussed both in the UAW and the AFL-CIO. Bernstein quotes him as saying:

The time for George Meany to retire has long since come along. . . . He is one of those who seems to teach that you ought to have contempt for "welfare bums," as some people call them, and I'm just sickened by that whole goddamned package of propaganda.

I prefer to save my contempt for the guys up there on the top who have control of so much in this country, and the 82-year-old cigar-chomping character with a Brooklyn accent [Meany] isn't doing enough about that.

One key difference between the UAW and the AFL-CIO has been over foreign policy, and Fraser has called "ridiculous" the AFL-CIO position that union representatives from the Soviet Union should not be allowed to visit because there are no true unions in Russia.

Winpisinger, sounding the way some UAW leaders talk in private, said in his wide-ranging interview:

Hell, yes, we should stand up for democracy; hell, yes, we should stand up for human rights. But we shouldn't be ostracizing ourselves from contacts with the rest of the world.

I go to international forums where the Communist countries have delegations, including the Soviet Union. . . . They don't say anything that excites my interest, but I find it very worthwhile to listen, and for me to get something off my chest. . . . Hell, it's a beginning. At least we hear each other.

Would the presence of the UAW in the AFL-CIO change things? "Absolutely," Winpisinger insisted. So now begins a major debate, long overdue, on the labor movement within the union movement.

B.J. WIDICK

When Will the Brass Learn?

There is something about Korea that makes American generals sound off politically. When they do so, intending to be provocative, they provoke Presidents to discipline them, and thus reassert civilian control of the military.

The case of Maj. Gen. John K. Singlaub is a teacup

affair compared to the great tempest that swirled around Truman's relief of Gen. Douglas MacArthur in 1951. Back in those heady days of the cold war, the great pro-consul, festooned in glory, dared to nudge the war in Korea toward a world war, no matter his government's policies—because, as he said, "there is no substitute for victory." There was, of course, none on a scale to match MacArthur's notions of his own heroic stature or that fitted his overblown ideology ("If we lose the war to communism in Asia the fall of Europe is inevitable").

However, the government MacArthur supposedly served had chosen another policy, stalemate in Korea—the *status quo ante*, or "no win," as the hawks of that day contemptuously called it. Since MacArthur persisted in trying to maneuver us into the big confrontation, Truman had to fire him and bring him home, where he became the centerpiece of a right-wing anti-Communist crusade.

Most of these factors are missing from the Singlaub tale, so it is drab by comparison. In the first place, he is only the third-ranking American soldier in Korea, unknown outside the Army. Further, the Korean truce that ended that war twenty-four years ago has kept a peace that is not all that uneasy, one that rather resembles the codified tensions that have prevailed in Berlin these many years. Then there is the fact that the great powers have changed at least their manners since Stalin left the scene and have lost their appetite for hostilities at the world's flash points.

The American military presence in Korea, some 40,000 men representing, in dusty theory, a United Nations that has forgotten all about them, is one of the great anachronisms of the age. The world believes, correctly, that our troops stay there as an outpost of American strategy in Asia, one that has more to do with the stability of Japan in its relations with China and Russia than with any larger concerns. North Korea, which was always a quite repellent kind of dictatorship, has now been thoroughly imitated in the south, minus only the ideology.

And now, thanks to General Singlaub's indiscretion, if that is what it was, we are forced to think once more about the American presence there. President Carter is on record as favoring the withdrawal of our ground troops from the Korean peninsula. He would do that over a five-year period but would leave the air cover in place in order to encourage Park and Co. and discourage north Korea's Kim Il Sung (whose reputation for ideological ferocity is considerably blunted by the turgid, complacent full-page ads he has taken in U.S. newspapers, selling his regime like any other huckster peddling a product).

Singlaub's performance is outrageous but in a minor key. He told *The Washington Post's* correspondent that if we pulled our ground troops out it would encourage north Korea to attack and that therefore the whole Carter plan for Korea "will lead to war." He chose a moment to say this when a high-level Defense and State Department mission was poised to take off for Seoul, bearing confirmation of the much-telegraphed decision to withdraw. Hence Carter's extreme annoyance with Singlaub.

Carter had failed to react when, two weeks earlier, Singlaub's superior, Gen. John W. Vessey Jr., commander of the U.N. forces in Korea, told the United Press International that the proposed phasing out of American troops "would raise the possibility of war in Korea." He had no

comment to make on yet one more foot-in-mouth comment on the Singlaub affair by the nation's top soldier, General Brown, chairman of the Joint Chiefs of Staff: "Nobody has said the military can't disagree, but there's such a thing as tact." (That's a good one, coming from the man who said Jews control the banks and media of this country and that Israel is a burden on us.) Finally, he had to put a stop to this martial policy making.

Are we then to think that the military is seriously trying to determine national policy, violating the ancient tradition of dominance by the elected government? Or is this just another incompetent farce put on by the USO for the amusement of "our boys" on the outposts of the free world? There is more of comedy to it than of threat.

The serious side of this episode is that prominent American generals have told the north Koreans that they can win a new contest once our ground troops have left. There is no excuse for that indiscretion (probably false, to boot) or for the presumptuousness that lay behind it. Carter was quite right to descend on the hapless General Singlaub, and, if it "ends his career," as the papers are saying, so much the better for the national security.

The Lion in Winter

He is now a very frail man. The years of diabetes have eaten away at his kidneys and so every other day he needs to be on dialysis. His ailment is not painful, but it is debilitating for a 74-year-old man, and every day, slowly, almost perceptibly, Jaya Prakash Narayan is really taking one more step away from us.

The other week, when he stopped off in New York City on his way back to India after medical treatment in Seattle, Mr. Narayan said that he still had a good ten years left in him. One of his physicians, speaking gloomily in private, cut that figure by half. It is, of course, maudlin to dwell on such possibilities, but J.P.'s life is entwined with the life of his country. More than any other person and for many years this lean, bony man with the high forehead and burning eyes has been the conscience of the country, the man but for whom the tyranny of Indira Gandhi would not have been swept away in the March elections. Today, J.P. is the moral blood and bone of a new regime that is struggling to find its identity and groping for its political and economic mission.

He is a modest man. When he was asked in New York to assess his role in India's most recent revolution, J.P. hesitated. Then, "It was not my handiwork," he said, very softly. "I was a small instrument—it was mainly the work of the Indian people." Still, his persistent calls to unseat Indira—calls issued from truck tops at a thousand rallies, from hovels in tiny obscure villages, even from the jail where the Gandhi administration had imprisoned him—were what galvanized a whole nation that is rarely mobilized for any one cause. "We have to build a new India," J.P. would say. "Everything in the country now is rotten. The system of education is outdated. There is corruption and bribery everywhere. Unemployment goes on rising. Countless children go to sleep without food."

These problems have not gone away because the men and women of J.P.'s choice are now in power. And since the ruling Janata Party is an amalgam of many

differing ideologies and a mix of people with conflicting philosophies, one senses that those who are running India have come to rely on J.P. as a bulwark. For instance, his private secretary told me that, even as J.P. was recuperating after surgery in his Seattle hospital, thousands of cables were being heaped outside his room. Some of them were from well-wishers; an overwhelming majority were from Janata Party aspirants for tickets to run in this month's state elections, urging J.P. to intercede for them.

Jaya Prakash Narayan must not be surprised by such an avalanche of favor seekers. After all, Indians have a way of being in awe of whoever is in power—or near the core of power—and they have a tendency to forgo self-reliance and expect their rulers to do things for them. But J.P. is probably pained by this phenomenon, for he has preached self-reliance for a long time now, from his days as a Marxist back in the 1930s and then during those harsh years when he fought, along with Mahatma Gandhi, for India's independence from the British Raj. And although he, somewhat enigmatically, eschewed politics after Independence in 1948 and became more or less a recluse for two decades—occasionally emerging to advocate land and educational reform—his reputation as a moral leader increased as his public appearances decreased. J.P. resumed his public life about two years ago, responding to calls from Opposition leaders who were frustrated in their attempts to dislodge Indira Gandhi. But J.P.'s message to the people went beyond politics; he called for decentralization of the economy, village autonomy and a "partyless democracy" that would be truly representative of the grass roots.

He still believes that India needs these things, but that the people he helped to bring to power will choose to translate some of the goals into reality is questionable. They are, after all, politicians, and political expediency is rarely regulated by moral considerations. There are those who believe that, in a sense, J.P. is being used by the Janata Party—it is an advantage, particularly in a country like India where the old are revered, for a political party to have its very own "house guru." Already, there are signs of political arrogance in the Janata Party, and already the sound of internecine squabbles over the spoils of victory. Indira Gandhi's Congress Party would pay lip service to the teachings of Mahatma Gandhi; now there is a distinct danger that Morarji Desai's Janata Party is paying only token homage to J.P.'s preachings.

When I met him in New York some days ago, I was struck by the utter simplicity of the man. Even in his state of exhaustion, after more than six hours of dialysis, J.P. smiled and waved to his supporters. There was nothing in his attitude or his bearing to suggest that here was a man who had brought about one of the most remarkable political happenings of the century. I was very much touched by one incident that showed that J.P. remains a very human person. At one point he received a phone call in his New York hospital room from President Carter, who wished him well and expressed his admiration. "Can you imagine? That was the President of the United States calling me—me! Do you know that was the President on the line? He took the trouble of calling me. . . ." Jaya Prakash Narayan spoke thus, his eyes misting.

PRANAY GUPTA

Shrimp Cocktail

According to a horridly hilarious story in *The New York Times* of May 23, millions of pounds of contaminated shrimp are sent to Mexico to be "reprocessed" with embalming fluids and other vile chemicals, after they have been condemned as unfit by U.S. inspectors. They are then shipped back across the border to grace our tables, if that is what they do.

Before ordering your next shrimp cocktail at \$3.25, consider how the marvels of science have made that (rubbery) taste sensation possible. It may well have been condemned by Food and Drug Administration inspectors who found it too decomposed or tainted with salmonella to pass muster. It could then have been shipped to the Texas border and kept under Customs bond where the processors are given a choice between destroying it or subjecting it to a process called "reconditioning."

That interesting operation, forbidden in this country, is done in Mexico. It involves a chlorine dip to destroy bacteria, a bath in sodium bisulfide to restore color and,

if the odor is still too much, a deodorant treatment of the kind used in funeral establishments for purposes too unappetizing to mention. All this, reports the *Times's* James Sterba, to deceive the FDA's "sniffing inspectors."

Apparently there is a certain amount of clandestinity in all this, since the paperwork, too, is fouled up and these embalmed crustaceans never "technically" leave the United States or re-enter it, and the Mexicans will not allow this tinted, tainted food product to be sold on their side of the border. Somehow, however, it gets onto the American table, its origins in eighty-five countries that export seafood to us lost in the chemical mists that overcome the bureaucracy. The ominous term "spot check" appears in a quote from a U.S. Customs agent who said, "The stuff goes south and loses its identity."

There's a political moral buried somewhere in those heaps of chemically reconstituted spoiled shrimp. Perhaps it is that the enterprise of the businessmen who ingeniously reprocess the stuff should be met by at least equal enterprise on the part of a government whose duties include protecting consumers from such "food."

Secretary Kreps Won't Talk

Michael T. Klare

The President has done everything he can to convince us of his commitment to the promotion of human rights abroad. But while this policy may prevail at the White House, it hasn't trickled down to the Cabinet level. On April 5, Secretary of Commerce Juanita Kreps told me—in response to a Freedom of Information Act (FOIA) request—that it would be contrary to the "national welfare" to release data on the export of U.S. computers to foreign police and intelligence agencies. In effect, the administration's chief trade official has taken it upon herself to cover up the facts on U.S. corporate complicity with repression abroad.

Here's the background:

During a study on U.S. arms exports to foreign police forces (see Klare: "Exporting the Tools of Repression," *The Nation*, October 16, 1976), I was informed that some governments were using U.S. computer systems to store data on their citizens' political views and associations and, in some cases, to pinpoint victims for torture and assassination. Unable to find confirmation of this information in public documents, I sought to employ the Freedom of Information Act to compel release of whatever government documents might shed light on the matter. Since computers are considered strategic commodities with potential military application, their export is regulated by the government; any firm wishing to ship such equipment abroad must first obtain an export license from the State Department (if the buyer is a military agency) or the Commerce Department (if it is a civilian buyer). Accordingly, in December 1976, I requested copies of all licenses issued by the Com-

merce Department for the export of U.S. computers to foreign police, intelligence and internal security forces over the past few years.

On January 14 I received a letter from Rauer H. Meyer of the Bureau of East-West Trade (which oversees computer exports) informing me that my request had been denied on the ground that the confidentiality provisions of the Export Administration Act took precedence over the FOIA in this case. Such evasion has, in my experience, become standard procedure in politically sensitive FOIA cases, and I had expected that I would have to carry my request to higher authority—in this case, the Secretary of Commerce.

While preparing an appeal, I came across an article in a reputable trade journal, *Computer Decisions*, which alleged that some Latin American dictatorships were using U.S. computers to automate their domestic surveillance operations. The article, written by the magazine's editor, Hesh Wiener, and published on February 15, suggested that IBM computers sold to Chile are being used by the DINA (Dirección de Inteligencia Nacional), Chile's secret police, to target political suspects for interrogation, torture and elimination. Wiener reported that similar equipment is being used to expedite roundups of opposition leaders in Uruguay, Argentina and Brazil. When confronted with these allegations, U.S. producers denied responsibility for the consequences of their actions: "We are in a position similar to a car manufacturer," IBM's director of information told Wiener. "If General Motors sells you a car, and you use it to kill someone, that doesn't make General Motors responsible." The government, which is required by law to monitor such sales, simply "stonewalled" it; despite the fact that "evidence that Latin American authorities use computers for repression is abundant,"

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Wiener found no administration official willing to acknowledge the U.S. role or even to conduct a public investigation.

Although the charges in *Computer Decisions* were not fully substantiated, I felt that they were sufficiently damaging to warrant some sort of accounting from Washington. Accordingly, when I filed my FOIA appeal on March 3, I enclosed a copy of the Wiener article and asked that the computer export data be released in order to confirm or deny the charges made therein. Noting that the government was empowered to release such information when it served the "national interest" to do so, I argued that it was incumbent on the Commerce Department to make public any information on computer exports which would indicate possible U.S. involvement in the abuse of human rights abroad. Surely, I wrote, the confidentiality provisions of the Export Administration Act do not oblige the government to protect firms which have helped improve the repressive capabilities of police states.

Secretary Kreps was quick to respond. On April 5 she informed me that my appeal had been denied for the reason given by Mr. Meyer on January 14. Answering my contention that the "national interest" compels her to override these objections, she took two contradictory tacks: first, that the Commerce Department had *already* taken precautions to prevent the delivery of computers to repressive regimes, so that no public disclosure was necessary; second, that the nation's trade position would suffer if the government provided citizens with damaging information on the behavior of U.S. corporations abroad.

Kreps's first defense is a reiteration of the old "father knows best" argument that the FOIA is intended to overcome. Certainly Kreps provided no evidence to sub-

stantiate this claim. Her second argument is the more disturbing. I quote from the text of the letter:

Disclosure of licenses issued to exporting firms could . . . expose many of these firms to pressure by various individuals and groups that disagree with the government's decision to authorize exports involving certain commodities or destinations. . . . In many instances, normal export trade patterns and competitive relationships between exporting firms could be disrupted, and this may well result in reducing the nation's export business at a time when it should be expanded.

Is this Nixon talking? Concern for the nation's export position is no doubt laudable, but the concealment of information on possible corporate involvement in repression is more characteristic of his regime than of the "open air" government we have been led to expect from the present administration. Naturally, there is a danger that "pressure" will be exerted on firms which facilitate torture abroad—indeed, I hope all Americans of good will, beginning with the President, will demand the cessation of such transactions. Surely, an administration that declares itself committed to the advancement of human rights abroad can be expected to *take the lead* in exposing and curbing any instances of such collaboration with dictators. Thus I can only conclude that Kreps's decision to conceal information on this topic represents a tacit go-ahead to firms that seek to sell advanced technological gear to police states.

President Carter told the United Nations on March 17 that no U.N. member "can avoid its responsibilities to speak when torture or unwarranted deprivation occurs in any part of the world." The sentiment is noble, but it remains rhetoric unless the government restrains firms that are willing, for commercial reasons, to facilitate the activities of torture squads around the world. □

GOVERNMENT REGULATION

A SMOOTH RIDE TO THE BANK

JOHN McLAUGHLIN

Government regulation, commonly thought of as the fly in the free-enterprise ointment, may in fact be the fattest and most corrupt bit of pork on the American commercial table. Reliance on regulation to maintain business and professional integrity is growing nationally, with perhaps too little thought for the side effects. John McLaughlin, a columnist for the New York Daily News who works out of Trenton, discusses how it operates in New Jersey, and particularly in the liquor industry.

Early this year reports began to be heard from Washington that Gov. Brendan Byrne of New Jersey was being considered as Ambassador to the Republic of Ireland. Rumors of this sort usually start with friends of the would-be appointee, but in this case, the word was being passed by New Jersey Democrats who hoped that their leader might thus be booted up, out and off the 1977

ticket. Byrne has not been a popular Governor.

But it was all so much wishful thinking and one reason why the appointment never came to pass is that, New Jersey having no lieutenant governor, if Byrne were to leave office, the balance of his term would be filled by Senate President Matthew Feldman. Now Senator Feldman is liberal, regular, popular with his peers and constituents, and not excessively ambitious. He would make a perfect caretaker Governor except for one thing—he pleaded guilty last year to a charge of commercial bribery and was fined \$6,400. He remains in office because of legal opinions that what he did does not constitute "moral turpitude."

Specifically, Feldman, a partner in a family-owned wholesale liquor firm, admitted passing the money personally to an executive of Emersons, Ltd., a restaurant chain, which, in turn, agreed to buy its liquor exclusively from Federal Liquors of Kearny, the Feldman firm.

Although a crime, commercial bribery carries no jail penalty. That was a break for Feldman, because in recent years New Jersey judges have been notoriously harsh on erring politicians.

In addition to whatever effect the Feldman affair may have had on international diplomacy and domestic policies, it touched off a statewide investigation by the state Attorney General's office and the FBI has also jumped into the case. The Securities and Exchange Commission, which first brought the matter to light, is moving forward with its probe.

Actually, the practice of bribery ("cash rebates" is the industry euphemism) is not now nor ever has been much of a secret. Only two years before his arrest, Feldman, testifying in a civil case, said that payoffs were routine practice in the liquor business. Said Feldman in his 1974 depositions, "Reluctantly, we had to keep pace with competition or else we would be locked out. There was an accepted practice which was unfortunate."

During the 1960s, according to Feldman, the market was "chaotic" as the kickback competition heightened. But, he testified, the practice stopped in 1969. Readers can make their own judgments on the veracity of the latter statement. In any case, if the practice did stop for a time, it resumed in 1976, and we have Feldman's word for it that he acted exactly as every other wholesaler was acting.

Those who know anything about the liquor industry are aware that what has happened in New Jersey is no isolated example. Liquor scandals are endemic throughout the country—witness the periodic eruptions in New York. And they occur primarily because liquor is one of the many businesses in which the states take a proprietary interest. All sorts of laws, rules, regulations and ordinances govern the sale of liquor. Controls are therefore necessary, but state governments don't draw the line at law enforcement in the normal sense; they tend to make themselves part of the business. In New Jersey, the industry is controlled so tightly, in order to regulate competition, that you can make a convincing case for the fact that bribery is the inevitable result. It fills the vacuum left by the calculated destruction of a free market. As Feldman says, you have to keep up with the competition and when the state sets liquor prices, what becomes the basis of competition? Friendly salesmen and the ability to provide particular brands are no doubt considerations, but they run a poor second to money under the table as an inducement to buy from one house rather than another.

The system of set prices forces up the cost of booze because distributors will always agree on a higher rather than a lower price. The kickbacks, systematized at 2, 4 or 6 percent, depending on the extent of purchases, are treated as overhead. And it is the customer, not the retailer, who pays. New Jersey law permits distillers to set minimum prices for retailers. But there are no maximum limits, as you will quickly discover in any New Jersey shore package store. Regulation is popular in the liquor trade, for it means guaranteed turf and profits.

Only a few months before the Feldman case broke, the

legislature repealed New Jersey's fair trade laws, enacted in the 1930s to preserve ma and pa retailers. Liquor was exempted because it is regulated by an agency with police powers—the New Jersey Division of Alcoholic Beverage Control (ABC). ABC agents operate much like cops, showing up in bars on the lookout for watered rye, underage drinkers, topless dancers and inattention to closing hours. And the ABC can be very tough on bar owners, who are frequently fined or shut down for serving minors.

The ABC also makes sure the retailers pay their debts on time. If the owner of a bar or package store doesn't settle his bill within thirty days of delivery from a wholesaler, he goes on an ABC blacklist. Should he remain there for thirty-nine weeks—that is to say if he hasn't settled with the wholesaler by that time—the ABC orders his deliveries stopped.

The ABC helps out the wholesalers in other ways. It regulates advertising and imposes stiff penalties on the unlucky consumer who gets caught bringing booze into the state. The stated purpose, of course, is to protect state tax revenues, which run \$60 million a year, but what also gets protected is New Jersey's inflated price structure. The official defense for high prices in the Garden State borders on the comic—they must be kept up to discourage excessive drinking. But it is possible to get very drunk in New Jersey in a very short time for very little money if you are satisfied with cheap wine, rye or gin.

The Feldman firm is one of about twenty wholesale houses that control the distribution of liquor in the state. Most are members of the New Jersey Wine and Spirits Wholesalers Association. The association enjoys a close working relationship with the ABC. In fact, they share the same building in Cranford. When Sam Gold, veteran deputy director of the ABC, retired a couple of years ago, he moved down the hall and went to work for the wholesalers.

I said a little earlier that wholesale liquor prices in New Jersey are set by the state. That is not entirely accurate; what happens is that the ABC arranges to have the prices fixed. Every three months the wholesalers must submit their selling prices to the ABC. Having done so, each distributor gets three days to review his competitors' prices and make adjustments. The result is extraordinarily similar price tags on everything from Scotch to apple wine.

Corporation presidents are serving time right now for conspiring to do on their own what the state of New Jersey does for liquor wholesalers—that is, arrange for price fixing. The conspiracy between the state and the dealers, however, is referred to as "guaranteeing an orderly market." What then does an orderly market guarantee? Maximum profits and minimal risks for the liquor entrepreneurs. Distillers (manufacturers) get their guaranteed share of the boodle because they can enforce minimum prices on the retailers. The distributors don't have to worry about price competition or, worse, price wars because they get together on what they will charge.

The orderly market also guarantees kickbacks, and hence the corruption of dealers who offer them, salesmen who deliver them in cash-stuffed envelopes, ac-

countants who fix the books, state liquor agents who evidently look the other way, and retailers who begin to see the bribery that comes their way as a routine source of income. And that is why a quart of good Scotch costs \$2.25 more in New Jersey than it does in a New York discount store.

It would be not only unfair but untrue to suggest that the liquor industry stands alone as an example of regulation run amok. The state Public Utilities Commission regulates the garbage industry, where municipal contracts are secured through competitive bids. The PUC has a genuinely hostile attitude toward price fixing. Nonetheless, the scavengers do seem to cut up the turf by entering strategic high and low bids.

All told, New Jersey regulates or licenses some 200,000 people, or about 7 percent of the work force: midwives and goat-milk dealers, lawyers, insurance agents, marriage counselors, brain surgeons, tree surgeons, auctioneers, manicurists. And, if cooler heads do not prevail, we can soon add cooks and booking agents to the list; there are bills to that effect before the legislature.

All states are heavily into the regulation and licensing business and for the same basic reasons: the need to safeguard the public, insure professional qualifications, maintain standards and provide a mechanism for disciplining errant members of the regulated vocations.

By and large, the regulating and licensing are done by professional boards composed of members of the given trade or profession. This type of organization arose from the theory that you have to know the job if you are going to police it. But the system fosters a considerable amount of there-but-for-the-grace-of-godism and turf protectionism. Thus a board of architects, say, is likely to be more concerned with fining lumberyards for selling building plans than with the quality of work performed by card-carrying members. And once a professional group gets itself licensed it sets up admissions standards and qualifying tests and then promptly embraces everybody currently in practice—the good, the bad and the incompetent.

In 1971, a New Jersey legislative study commission found that of 4,169 master plumbers' licenses, all but fifty were held by men who had come in under the "grandfather" clause. The same commission took a look at the State Board of Professional Planners and found that fully 80 percent of licensed planners weren't planners at all but architects, engineers and land surveyors, all of whom qualify automatically for planning licenses without taking the required examination or completing any course of study in planning. Moreover, planners work almost exclusively for governmental agencies, so how is the general public, which has no use for their services, being protected by the licensing procedure?

Once a board is in operation with its membership fees, licenses and examinations, a curious correlation develops between the number of applicants admitted to the trade or profession each year and the amount of available business. In 1973, for example, virtually all the New Jersey applicants for licenses as dentists were accepted, but only 14 percent of those who sought to become certified pub-

lic accountants. In 1975, the Board of Shorthand Reporters in Colorado received eighty-seven applications for certification and granted just three. Licensing and certification also produce a peculiar kind of mindlessness, as in the case of a woman who held a Ph.D. in Spanish literature from the University of Havana. When she applied for a license to teach Spanish in the New Jersey school system, she was rejected because of a language problem. Her English was found excellent, but it was judged that she needed to take Spanish courses at an American college to qualify for certification.

If you want to work in a beauty shop in New Jersey, you must have a high school degree. If you want to teach in a barbers' college, you must have resided in the state for seven years. And if mortuary science is your field, you need two years of college. It doesn't matter what you studied—dental hygiene will do nicely—just so you went.

The above strictures are not to be read as advocating a ban on licensing or regulating. There is comfort in the thought that the person digging one's root canal, processing one's tort or mixing chemicals for one's chill has completed prescribed courses of study and is in good standing with his peers. And all of us, from time to time, express a fondness for more regulation. My own devotion to the First Amendment would be sorely tempted by the prospect of regulations limiting television commercials.

I am, however, willing to take my free-market chances on whether my hair has been properly cut, or whether I should buy a car from a particular dealer or, for that matter, who ought to bury a loved one and for how much. Once victimized by a clumsy barber, unscrupulous car dealer or devious undertaker, I am prepared not only never to return but to bad-mouth the offenders in the community.

The 1971 study commission, after reviewing the maze of regulatory and licensing boards in New Jersey, recommends that twenty-seven of sixty-three be abolished. Six years later they are all still with us and there have been additions. However, the system is not quite the closed shop it used to be. Most boards now have public members. And the Governor is no longer limited to making appointments from lists submitted by the professions. The Board of Medical Examiners, which once viewed the lifting of a license as the moral equivalent of capital punishment, now does so frequently, although most of these actions come as punishment for dope dealing or Medicaid fraud, and not, I am afraid, for malpractice or general incompetence.

Seventeen years ago, a South Jersey osteopath, using dirty needles, touched off an epidemic of serum hepatitis that took the lives of half a dozen patients. The Board lifted his license, but the courts gave it back on appeal. It turned out there was nothing in the law—written, of course, according to the recommendations of doctors—empowering the board to revoke a license for malpractice, no matter how gross. Anyone can make a mistake. Between 1970 and 1975, a period when thirty licensed engineers were found to be involved in various criminal

activities, with bribery chief among them, the Board of Professional Engineers and Land Surveyors did not revoke a single license.

Because the professional boards support themselves from fees, legislatures and Governors, busy with other things, tend to let them be. But cutbacks are the current fad in government circles and the regulatory agencies make a handy target. Thus Common Cause, which is pushing Sunset legislation in New Jersey and elsewhere, wants to start with the professions.

Sunset means a periodic review of government agencies, the burden being on the agencies to prove they have a valid right to continued existence. It is a good idea. It would be refreshing to hear the optometrists tell us what they do for the public other than protect them from inexpensive eyeglasses; to listen to the pharmacists explain what they have against low-cost drugs, or to have the lawyers expound on the dangers implicit in allowing one of their brethren to charge less than the next guy.

We might also learn why it is that laymen are deemed

capable of running the Atomic Energy Commission, the Federal Communications Commission, state utilities and racing commissions, but none but a tree expert is equipped to rule on matters of trees and those who tend them. I do not expect a whole lot to come of this. Move to abolish the Board of Barber Examiners, for example, and you run the risk of alienating 10,400 highly volatile New Jersey barbers. The professions are well entrenched. They know how to lobby and they know how to contribute to political campaigns. Still, one can hope, and the Sunset test ought to be a very simple one.

What has the agency done for the public lately? For the public, not the profession? What calamities might occur if it were abolished? How much does the public pay to keep it in business, and are the benefits worth that cost? Is the agency responsible for a phony price structure or an artificially created shortage of personnel in its field?

And the guiding principle should be this: When it is not necessary to regulate, it is necessary *not* to regulate. □

DESPOTISM IS NOT ENOUGH

THE BIG MONEY SHUNS CHILE

VICTORIA BERGESEN

Something has gone wrong with the economic plans of the Chilean junta, thus proving that a government must offer more than despotism to attract the support of those it conceives to be its friends abroad. In the past twenty-five years, CIA-backed coups have overthrown such progressive nationalist leaders as Arbenz in Guatemala, Mossadegh in Iran, Goulart in Brazil and Allende in Chile. A similar pattern—familiar enough by now—emerges from these coups: election of a Left-leaning President is followed by nationalization of foreign-owned interests and measures aimed at a minimal redistribution of wealth. Economic difficulties, caused partly by right-wing sabotage and U.S. credit cutbacks, and a CIA-supported build-up of right-wing organizations all precede a military coup, with an aftermath of bloody repression directed mainly against the working class. Almost immediately, the new rulers fling open the nation's doors to foreign investors, which rush in to bolster the regime.

This pattern certainly applies to Chile since 1970, with one exception: foreign investment has not played the role assigned to it. In fact, U.S. investors have so far shown very little inclination to risk their capital in Chile. It is surprising, since immediately upon seizing power in September 1973, the military instituted a reign of repression aimed in part at restoring the "proper investment climate" for local and foreign companies.

From the beginning, the junta and its economic planners have made clear their intention to reverse Chile's long-sustained trend toward increased state control and ownership of industry and land. The new regime returned

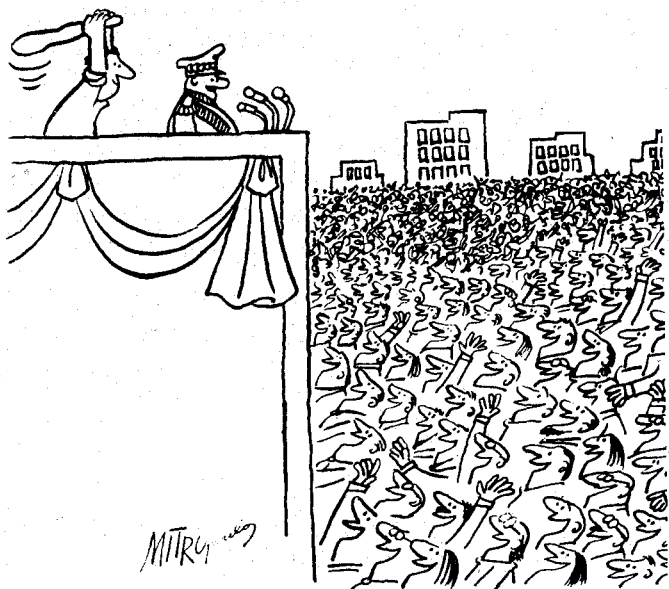
firms expropriated by the Unidad Popular government of Salvador Allende to their former owners and auctioned off firms in which that government had purchased equity. To emphasize its special commitment to an "open door" for foreign investors, the junta recently announced a new foreign investment law which removes all restrictions on profit remittances and allows foreign investors to pack up and go home, repatriating all their capital, after only three years. These provisions are but elaborations upon the "nondiscriminatory" investment code (Decree Law 600), published by the junta in July 1974. DL600 offers substantial advantages to foreign businessmen, including a guarantee that the Chilean Government will compensate for all losses incurred by reason of any future changes in rules concerning taxation, depreciation or exchange.

Eager to stimulate a stampede of multinational corporations, the government has issued a stream of press releases which excitedly outline proposed projects and admiringly profile prospective investors. Nevertheless, very few investments in the form of plants, equipment and deposits have materialized in the past three years. The Chilean daily, *El Mercurio*, recently published government figures revealing that the country has received only \$40 million in foreign investment since July 1974. Our share of this is very small. The U.S. Department of Com-

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merce's *Survey of Current Business* lists only \$12 million in U.S. investment in Chile for 1975. This is paltry by comparison with the \$5.74 billion that U.S. corporations invested in Latin America in 1974 and 1975.

The desperate state of Chile's economy, aggravated by low copper prices and the government's drastic austerity measures, is no small deterrent to prospective investors.



Ta Nea (Greece)

Judging all investment in terms of profit, as they must, they see Chile as most unattractive. In 1974, the rate of return on U.S. investment there was only 2.7 percent and in 1975 it was nil, the poorest performance by any Latin American country for two years running. The high rate of inflation (370 percent in 1974, 340 percent in 1975 and 160 percent in 1976) and the critical level of unemployment (the official rate is 15 percent, but some observers put the figure closer to 30 percent) have sharply constricted the purchasing power of Chilean consumers. Most Chileans cannot buy enough food, let alone television sets, washing machines or even shoes. In May 1976, *Business Latin America*, a periodical aimed at corporate executives with interests in Latin America, advised investors that in Chile "1976 will bring little relief from sagging sales and slim profit margins, due to the dogged determination of the authorities to continue reining in public and private demand to contain inflation."

Further, the soft copper market and the large number of new mines coming into production elsewhere in the world (such as Panama's Cerro Colorado deposits, thought to be the largest in the world) have discouraged new investments in Chile's most abundant natural resource. A representative of Chile's state Copper Corporation told us that "All new investments are looked at twice now; the investors are waiting until the price justifies the investment." Although he expressed optimism about the inevitability of large U.S. or Canadian investments to develop new copper mines, he feared that investors might hold back until the price of copper reaches 90¢. (it is now 71¢).

Chile's foreign exchange crisis has also affected invest-

ments in the copper sector. Since Chile depends on copper for about 80 percent of its foreign exchange, plunging copper prices have critically affected its balance of payments and left few dollars for joint ventures with prospective investors. Large payments on the foreign debt have made the situation worse. To quiet any doubts as to its credit, the junta paid \$800 million to foreign creditors (mostly in the United States) last year—between 40 and 45 percent of its foreign exchange earnings. As a result, several large ventures demanding state participation have not been consummated. For example, Noranda Mines, Canada's eighth largest company, recently signed a contract to exploit the Andacollo copper deposit, one of Chile's largest; but according to one source in the industry, the \$250 million investment (possibly \$350 million if a copper smelter is built at the site) has been postponed because the junta cannot come up with the financing for its 51 percent equity in the project. Similarly, construction work has been halted at the site of an iron mine operated jointly by the state-owned Chilean Steel Company and Nippon Steel and Mitsubishi, both of Japan. Apparently, while the Japanese companies have put up \$85 million, the junta cannot finance its own \$75 million participation.

The long period of uncertainty over Chile's relationship to the Andean Common Market has also discouraged investments. Many businessmen abroad were delighted to discover that Decree Law 600 was in direct violation of the Cartagena Agreement which Chile had signed as a member country of the Andean Common Market (ANCOM). Members of the group (Chile, Colombia, Ecuador, Bolivia, Peru and Venezuela) had hoped to increase their industrial development through regional cooperation schemes, preferential tariffs and regulation of foreign investment. Specifically, DL600 violated the agreement's Decision 24, which places a 14 percent ceiling on profit remittances, and ignored the "fade-out" clause, which states that foreign owners must sell at least 51 percent equity to local investors over a period of time in order to be eligible for the lower tariffs and other benefits of the agreement.

Despite their pleasure over the provisions of DL600, investors insisted that Chile resolve its dispute with ANCOM so that they could be sure future Chilean Governments would not later revoke or supersede DL600. Although the feud with ANCOM led to a de facto elimination of profit remittance ceilings and a liberalization of the "fade-out" requirements, Chile withdrew from the Common Market late last year. While businessmen approve of the revisions forced on ANCOM by Chile, as well as Chile's final decision to pull out, they have not displayed any new-found eagerness to invest. According to a recent survey taken by *Business Latin America*, most executives agree that "Chile's market still presents many internal problems, with contradictions that make it a risky proposition with or without ANCOM membership."

Furthermore, while attracted by most provisions of DL600, many foreign executives still complained about certain vague provisions pertaining to profit remittance ceilings and tax rates. The junta's economic planners

claimed that the provisions in question gave them more latitude to deal with individual investors, but the experiences of such investors have not borne this out. For example, the junta widely publicized a proposed \$10 million investment by Foote Mineral of Pennsylvania (owned by Newmont Mining) for the extraction of lithium from the Atacama salt deposits in northern Chile. However, a Foote executive told me in a telephone interview, that, while a small amount has been invested for exploration and study, the \$10 million deal is by no means certain. In fact, he complained that because the provisions of DL600 are vague, Foote has been unable to come to any agreement with the Chileans on crucial issues of taxation and profit remittances.

Finally, investors are not reassured by the fact that the Overseas Private Investment Corp. (OPIC), a U.S. Government corporation that insures our investors abroad against losses in the event of "expropriation, inconvertibility of currency, war and insurrection or revolution," has issued no new policies in Chile since before the coup. Although William Simon visited Chile in May 1976, when he was Secretary of the Treasury, and there promised the junta that OPIC would reopen its guarantee program for fiscal year 1977, no policies have been forthcoming. Apparently, OPIC wants to avoid any controversy that might damage its case when it goes to Congress next September for reauthorization of its programs. Some firms (notably Anaconda, which did not settle its dispute with OPIC over the 1970 expropriation of its Chilean copper operations until March of this year) claim that OPIC policies are of dubious value, but many others feel that it would be foolhardy to go into a high-risk investment without the OPIC guarantee.

Overriding all other considerations are corporate executives' memories of experiences in Chile during the Unidad Popular government (1970-73), when most U.S. holdings were nationalized. Although the junta's "free-market" capitalism, with its attendant repression, may indicate to some that their investments will be secure, others are deterred by the worldwide movement in solidarity with the Chilean democratic opposition which has successfully

cut back aid and investments from many European sources, as well as from the United States. One State Department official told me, "The corporations are always calling me up asking when the situation in Chile will change. They worry that workers, church groups and stockholders will protest investment there." Further, many executives are realistic and recognize that the political consciousness gained by the Chilean working class before and during the Allende years cannot be permanently repressed. As one businessman said, "How stable is any government in Chile? If they don't return the power to the people and the political parties, the people will get restless and there will be another coup."

The prospects for an amelioration of the junta's position are severely limited. Debt payments, estimated at \$1 billion per year from now until 1980, will continue to eat up a large portion of the country's foreign exchange. Even if the junta should decide to risk its international credit rating, only 30 percent of the \$4 billion due by 1980 is eligible for renegotiation. Furthermore, whatever the junta may claim, it has not stabilized Chile's shaky economy; inflation and unemployment levels are still disastrously high, production levels low. Chile's national income has regressed to the levels of the mid-1960s, and per capita income is even below that of a decade ago. The depression has eroded support for the military government among the middle class and even forced great losses on some industrialists. Meanwhile, Chile's working class suffers most of all, and the resistance (which has taken many forms, including absenteeism and slowdowns at work) is growing.

This is not a picture to warm a U.S. investor's heart. Indeed, President Carter's criticisms of the junta may reflect the U.S. business sector's dissatisfaction with the appalling government the United States helped to create in Chile. Even if some economic indicators improve in the next year, U.S. investors still face pressure from the Chilean solidarity movement. For although the junta hoped to quiet critics by releasing some prisoners late last year, the U.N. issued a report in February which verifies the growing chorus of assertions that gross and consistent violations of human rights are still very much a reality in Chile. □

MA BELL, FIREBUG

FRANK WARNER

Washington

At this moment, one of the American Telephone & Telegraph Company's buildings may be burning out of control. If so, it will not surprise AT&T. Bell Telephone Laboratories, AT&T's research and development subsidiary, told the company in August 1974 that as many as 17,000 of its buildings were firetraps. But that's been kept a big secret.

The cover-up cracked a bit on February 27, 1975, when a disastrous fire swept through an eleven-story central office building owned by New York Telephone,

one of the operating companies in the Bell system. Evidently sparked by a short circuit in a low-voltage cable, the blaze on Second Avenue in Manhattan destroyed more than \$50 million worth of equipment, silenced 170,000 telephones in a 300-block area, and injured 239 firefighters, including four who were hospitalized for smoke inhalation. Gov. Hugh Carey estimated that the subsequent three weeks without telephone service cost some 10,000 businesses upward of \$100 million. Each affected telephone customer had three-fourths of the

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March phone bill refunded, but any other damages, said the New York Public Service Commission, would be "recoverable only upon a showing of gross negligence by the phone company."

Just hours after the fire was under control, a team of at least six representatives from Bell Labs' fire-protection technology group drove in from Whippany, N.J. to examine the building. For some of them, the scene was not completely unfamiliar: the remnants of a fire that hurtled from one floor to floors above by way of burning telephone cables strung through the building; the black and oily walls and reports of strange, combustible smoke, were strikingly similar to what the engineers had seen in pictures and reports of fire-safety experiments at Bell Labs' remote test station in Chester, N.J.

The fire tests, they remembered, had been requested in 1970 by the San Francisco superintendent of building inspections, and designed in 1972 with the help of AT&T and Marsh & McLennan, fire-protection consultants. Among the tests, Bell Labs studied a hole in the second-story floor (the first-story ceiling) of a two-story test structure for its ability to allow fire and smoke below to spread upward. The 1 x 2-foot hole was like thousands that are built into the floors of almost all Bell central office buildings.

These holes permit cables to pass easily from a lower floor to switching equipment upstairs. Since the cables do not entirely fill the holes, the remaining space is packed, to varying degrees of tightness, with fire-resistant bags. In the experiments, the hole was tested first in 1973 with bags alone, packed in a hole closure (a metal and asbestos gadget that seals the bags in the hole) and then in 1974 with bags packed around actual cables.

AT&T hoped to use the Bell Labs' test data to prove to the city of San Francisco, and to anyone who might ask in the future, that the pierced floors in Bell system buildings were fire safe or, at least, that these floors met recognized standards of safety. If the San Francisco Building Code (and the Bell system's own standards) for buildings of more than two stories were to be satisfied, the Bell Labs' fire group would have to show that each floor, with its hole, cables and packing, was strong enough to get a "two-hour fire rating"—i.e., strong enough to be subjected for two hours to an intense fire below (which is assumed to heat up and cool down according to a temperature-time curve set up by the American Society for Testing and Materials) without permitting flame penetration or a temperature increase to more than 325 degrees Fahrenheit at any one point, or 250 degrees average, on the floor above.

Documents from Bell Labs and AT&T, hidden for more than two years and made available now by Charles Bendersky, until recently a Bell Labs engineer, describe how the tests proved that the floors of Bell central office buildings would flunk anybody's standards, and that the plastic insulation on cables used in telephone company buildings carried, along with messages, their own significant fire dangers. A Bell Labs' "Technical Memorandum," dated July 8, 1974, reported on the first series of tests (in which the cable hole was packed with insulating bags), and concluded it was "apparent that the present

field practice will not obtain a one-hour rating." In other words, the holes, stuffed but without cables, were waiting to invite a fire to jump from one floor to the next.

However, it was the second group of tests (cables packed with insulating bags) that would be used to convince the San Francisco building inspector that everything was fine.

AT&T heard the results of these tests on August 15, 1974, when its "Organization 2212" engineers met in Chester with engineers from the Bell Labs' fire-protection technology group. Representing AT&T at the meeting were Jerry Miles, engineering manager for real estate; J.R.N. Casaubon and Gerry Crimp, both assistant engineering managers, and Louis Parks, an engineering staff specialist. Representing Bell Labs were Phil Grimado, Robert Skrabal, John Simpson and Bendersky. According to Simpson's October 22, 1974, "Memorandum for File," Bendersky presented the results of the cable-hole closure test program.

Bendersky, who had been a NASA combustion consultant with AT&T's BelCom for five years before joining Bell Labs in 1972, used special types of color motion pictures and detailed transparencies to let the AT&T visitors know exactly what the tests disclosed. Wrote Simpson in his memo, "The design weaknesses of the two-foot by one-foot vertis cable-hole closure were examined and means of improving the design suggested. . . . The possibilities open for action were stated and the need for further development work on improving the smoke resistance of the assembly was shown."

The pictures verified Bendersky's report that almost as soon as the test fire was set, hot white smoke penetrated the hole, by way of the cables, to the floor above. There the smoke behaved in a manner that puzzled the fire experts. It did not rise, but seemed instead to crawl along the floor until finally it filled the room. The smoke contained heavy phthalic anhydride, which had been distilled from the burning polyvinyl chloride (PVC) cable coating. Bendersky emphasized that the smoke's high toxicity and high combustibility could be hazardous, particularly to people unaware of its peculiar properties.

Finally, Bendersky related the facts that were most important from a legal perspective. With graphs, which were included in the Simpson memo, he demonstrated how quickly the floor and its hole failed the fire-resistance requirements. The graph of one test traced the readings of two heat sensors that recorded second-floor temperature increases of 325 degrees in less than thirty-seven minutes. The graph for another test mapped two similar increases which occurred in less than twenty-seven minutes. The data made it plain that the floors could never get the minimum two-hour rating until the procedures used to run cables between floors had undergone major alteration. Bendersky recommended redesigning the cable-hole closures, installing floor-to-ceiling shafts to enclose the cables, or asking the advice of city fire authorities.

Before the meeting broke up, the engineers agreed that they had a problem, and that further experiments would be needed to establish the best means to make the cable holes safe. Bendersky was, he recalls, confident that AT&T and Bell Labs were prepared to act on the options

he had offered. He was wrong. Within three months, he says, Simpson, his immediate supervisor, was asking him to draft a favorable letter that Pacific Telephone could send the San Francisco officials. Bendersky refused. Instead, he submitted his own detailed report on the fire tests. After he repeatedly insisted to William Pferd, head of the Buildings Department that included the fire group, that the test results could not be ignored ("The law is the law," I told him,"), he learned from one of its vice presidents that Bell Labs was considering firing him.

Then came the New York City fire. With this somewhat more than sufficient evidence that the hazard was real, Bell Labs' management had to treat Bendersky differently. "You're back on the team," one boss told him. "They tried to be a little more nice to me," Bendersky recalls, "because they knew there were troubles and they knew there would be an investigation." The investigation called for yet another fire test, for which Bendersky designed the instrumentation, to simulate the conditions in the Second Avenue building. This test, labeled the "Lloyds of London" experiment, was conducted in March 1975, in full view of officials from AT&T, New York Telephone and Bell Labs. As Bendersky watched on a remote television screen, the fire spread exactly as he had predicted. Later, he saw the written report of the test as it was typed, but he was never to receive a copy of his own.

Apprehensions about his outspokenness had turned to corporate paranoia. Soon, the director of one Bell Laboratory was accusing Bendersky of "threatening to blow the whistle on us." In April 1975, Bendersky was transferred to another group in a different field (electroplating); told he was on one-year probation; notified he could be fired on thirty days' notice; and warned that there was not to be "a peep" out of him about his earlier work. In May he found he would not get his 1975 raise. In August Pferd, still overseer of the fire group, asked Bendersky to put his signature to a revision of the 1973 and 1974 tests. When Bendersky complained that this new version was inconsistent with the facts, his new superiors told him he would not have to sign anything he disagreed with. He did not.

Pferd's request appears to have been Bell Labs' last shot at unanimity of action. Unknown to Bendersky, Pacific Telephone had already sent Alfred Goldberg, superintendent to the San Francisco Bureau of Building inspections, an edited "report of tests of the fire resistance of Telephone Company central office cable-hole closures," and had arranged a meeting between Goldberg and engineers from AT&T Bell Labs to discuss the test results.

The Pacific Telephone (PT&T) report to Goldberg, written by Bell Labs and at least tacitly approved by

AT&T, indicates how far the world's largest corporation will go before it decides that the money it is bent on saving is not worth the risk to property, service and human lives. The PT&T report does not equivocate; it changes completely the major facts and conclusions of Bendersky's original reports. A few particulars:

¶ The PT&T report says, "the tests represented the most vigorous fire testing attainable of cable-hole penetrations of building floors under highest possible fuel loads." The original reports said that the test fuel load of gasoline (burned on the first floor), representing combustible plastics commonly used in telephone electronic equipment, was equivalent to less than one-third the plastics that might be present in central offices.

¶ The PT&T report says, "The fire-test program was designed to simulate a worst case condition . . . rather than pursue standard ASTM (American Society for Testing and Materials) test procedures." The original reports showed the Bell Labs' tests to be no more severe than the standard ASTM test, and possibly less severe.

¶ The PT&T report says, "Examination of combustible cotton waste [placed near the cable above the floor] in one 'burn-out' fire test showed no sign of thermal damage to the items other than smoke contamination." The original reports said, "No traces were found of the loose cotton tufts. . . . This cotton was probably burned away and/or oxidized by attack of the hot . . . smoke."

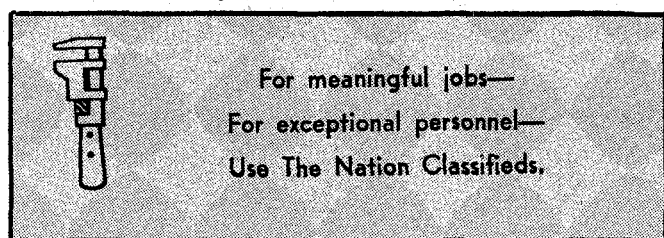
¶ The PT&T report says, "Smoke penetration in the closure tests occurred in approximately three minutes as measured by the ionization detectors." The original reports said the detectors did take three minutes to pick up the smoke in one test, but noted that that reading came "almost two minutes after the chamber was full of smoke." The originals also explained that, in another test, the smoke detector was activated only "one minute after ignition."

¶ The PT&T reports say no attempt was made "to characterize the combustion products from the fires, since it was believed they would be typical of gasoline and polyvinyl chloride decomposition products." The original reports said a Bell Labs scientist analyzed many unexpected white crystals that appeared on the walls of the second floor, and found them to be the highly combustible phthalic anhydride, which fire engineers do not consider a typical product of gasoline and PVC fires.

¶ The PT&T report says the cable-hole closure "prevented fire penetrating the floor by means of open flame along the cable run. . . ." The original reports stated, "Combustion did penetrate past the closure up through the center of the cable run."

¶ The PT&T report says sensors showed that, after the test fire burned out, "thermal degradation" of the cable insulation "generated sufficient heat to raise the internal temperatures several hundred degrees over a period of three hours," and adds, "No reignition of the cable occurred." The original reports made that foggy "several hundred" a fierce 1,400 degrees at points above the floor, and concluded, "Reignition of [the] cable occurred."

Attached to the PT&T report is a graph of test temperatures which, with all its distortions and omissions, outlines what Bell Labs and AT&T are trying to hide. The graph leaves out one original curve which showed that the Bell floor failed one of the fire tests in less than



half an hour, and deflates another curve that showed the floor flunked at another point a short time later. The revised graph also stops at about seventy minutes into the test, and makes it impossible to see that even after the test fire had burned out (at forty-five minutes), cable temperatures, which had dipped, rose again and, in the next hours, reached those 1,400-degree temperatures both below and above the floor. Temperatures like that indicated that the cables are burning.

No longer the San Francisco building superintendent, Alfred Goldberg says today that if AT&T and Bell Labs had shown him graphs which indicated that Bell buildings could not get even a one-hour rating, "They would have been in a serious situation of not having a safe facility." If there had been a curve registering temperatures above the floor of 1,400 degrees, "That would have been a total failure. No question." And if he had found that any of the test data were altered, he would have ordered that Pacific Telephone take corrective measures, such as installing vertical shafts, new walls or fire suppression equipment, until an independent testing group was able to report that the Bell floors were safe.



Margulies

But Goldberg read and heard nothing that would have argued against continued approval of the buildings as they were. He remembers meeting with the telephone company engineers and being apprised that, though the tests uncovered some smoke problems which had been taken care of, the tests also proved that the floors met the city code "without too much problem." He adds that he was impressed by the fact that AT&T had built a full-scale mock-up to fire test its floors. "I felt what was

being presented to me by professionals was a valid set of tests that had gone well beyond what I had expected." Now, Goldberg reflects: "If I have been duped, I have reason to be concerned. . . . Was I duped?"

Since that quiet AT&T-Bell Labs mission to San Francisco, there have been ominous smaller fires. On the eighth story of a nine-story New York Telephone building in White Plains, N.Y., an electrical component overheated, ignited wire insulation in a rectifier panel, and soon had the whole floor filled with fire and poisonous smoke. This fire in March injured thirty firemen and caused \$100,000 in damage. In August 1976, at a non-Bell telephone central office in Mebane, N.C., a fire moved via PVC cables through a wall, and caused six injuries and damages of \$500,000. Like the building in New York City, neither the one in White Plains nor the other in Mebane had sprinkler systems or anything else to prevent the easy spread of fire to plastic equipment.

Also since 1975, Charles Bendersky has been arguing that Bell Labs should come clean. He has been through a long series of exchanges, in person and by mail, in which Bell Labs' vice president John Mayo and executive director Charles Hoover attempted to find even the smallest of holes in either his data or his analysis. The conflict told on him. In June 1976, he had a heart attack and, after a dramatic conference-room meeting with his antagonists in August (they asked him if he was accusing them of a crime, and he answered that he was unsure how far they had gone), he decided it was time to quit. He did so in February.

Behind him in the Bell system, Bendersky left thousands of central office buildings that are set to turn one of the scores of small electrical fires that are expected every year into yet another catastrophe. The buildings are short and tall: some hold only equipment and a few maintenance employees, some are "combined occupancies" in which floors of equipment are mixed with floors of business offices—and people. Of the larger central office buildings, there are about seventeen (including the one on Second Avenue) in downtown New York, twelve in San Francisco, fifty-three in the Los Angeles area, thirty-two in Chicago and twenty-one in Philadelphia.

It is possible that Bell central office buildings three or more stories tall have built-in risks which, if fully described, would be found unacceptable under almost every American city fire code. It is certain that most of them harbor needless threats to continuous telephone service, and to the millions of lives and businesses that depend on it. If it is true that the smoke from burning telephone cables is excessively explosive or extraordinarily heavy, the peril would extend to firefighters who are trained to duck low for the best air in a smoky room.

For AT&T the choice is plain enough. It can continue its charade, or it can come up with a plan that demonstrates a real concern for possible harm to the telephone network and the people it serves. On the latter course, it has its choice of restructuring its buildings, improving the sheathing on telephone cable, putting the cables in fire-resistant shafts, or installing some type of sprinkler system. According to Irwin Benjamin, chief of the fire-safety engineering division of the National Bureau of

Standards, "They could sprinkle the cables at very little cost," and with little chance that the water would damage expensive electronic equipment.

That AT&T would not act immediately on its test results is bad enough (ask 10,000 New York businessmen). That its predictions of fire spreading through cables

were realized and then hidden behind a wall of rewritten reports and garbled graphs is unforgivable. If AT&T's answer to honest engineering that costs money is simple ostracism of the honest engineer, then the nation has proof of the mental poverty that can exist in one of the world's richest corporations. □

THE MAZE OF SCHOOL DESEGREGATION

LITMUS TEST FOR GRIFFIN BELL

STEPHEN GILLERS

Will Griffin Bell make the Department of Justice into a department of justice? It is too soon to know. He is not as bad as he might have been—he might have been Carter's John Mitchell—but he has not yet been tested with those difficult questions to which law and politics demand different replies. Yes, he has appointed a host of activist lawyers as assistant and deputy assistant Attorneys General, but he has also appointed (or allowed the appointment of) Peter Flaherty, the former uninspiring Pittsburgh Mayor, as his deputy, a position where much power tends to gather. Yes, Judge Bell has indicted a former FBI agent, but it remains to be seen if he will truly follow the evidence and charge the higher-ups to whom it may lead. And, yes, he has worked for a tolerable bill to control government wiretapping, even when it is for so-called foreign intelligence purposes, but he has also endorsed the drastic, anti-civil liberties positions taken in a report by the "Task Force on Disorders and Terrorism."

If we must still wait to see which master Judge Bell will serve when the stakes are high, the President or the Constitution, we can nevertheless look for guides and signals in the meantime. Busing and school desegregation is one area to watch. Good politics and the just result are not often compatible here. The early indications are that Bell and his assistant Attorney General for civil rights, Drew Days, are going to be persistent but not adventurous or creative. They will actively seek to enforce the rules laid down by a moderate Supreme Court, but they will not work to change them or expand them. The result, given the rulings in three recent High Court cases, could bring us back to those dark days, before *Brown v. Board of Education* (1954), when the infamous case of *Plessy v. Ferguson* (1896) defined the law. *Plessy*, as every schoolchild learns, allowed local governments to erect separate school systems for white and black, provided that the separate systems were also equal. Fifty-eight years later a unanimous Supreme Court said separate meant unequal and could not constitutionally be allowed. But the *Brown* decision marked the beginning of a harder problem, by no means solved today: how to correct and change what was suddenly illegal? To understand the dilemma facing the Justice Department and its failure, so far, to respond to it adequately, a brief history is required.

Although Chief Justice Warren's *Brown* opinion ruled

that intentionally segregated school systems were unconstitutional, the reasons for that conclusion flow from the effects of separate treatment whatever the cause. "To separate [black students] from others of similar age and qualifications solely because of their race," the Chief Justice wrote, "generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone." And the Court then quoted from a decision of a lower court judge that the "impact [of segregation] is greater when it has the sanction of the law; for the policy of separating the races is usually interpreted as denoting the inferiority of the Negro group. A sense of inferiority affects the motivation of a child to learn."

It took the Court another year to decide what to do to remedy the constitutional violation it had discovered. In *Brown II*, despite the strong language in *Brown I* about the effects of segregation, the Court simply ordered "a prompt and reasonable start" toward desegregation, and the implementation of nondiscriminatory school admissions "with all deliberate speed." Twenty-two years after *Brown II*, the implementation of *Brown I* is unfulfilled. After the *Brown* decisions, it was by no means certain exactly what they held. Were the states simply required to refrain from segregating? Or did they have an affirmative obligation to integrate? These questions, too, are not wholly resolved.

The Supreme Court, in implementing *Brown I*, has invalidated "freedom of choice" desegregation plans and "minority to majority" transfer plans, under which white students in black schools could escape to white ones. The Court has correctly seen such plans as transparent devices to avoid the *Brown* mandate to desegregate. But in other cases the Court has also emphasized a *de jure/de facto* distinction between the causes of segregated schools. There is *de jure* segregation if the segregation results from some kind of state action; that is, if a school system is segregated in whole or in part because the school board or other official body intends it to be. Of course, such intent is rarely advertised and not always easy to prove, but federal courts have not been insensitive to the subtle ways in which an intent to segregate can be effected.

De facto segregation is different, the Supreme Court

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has told us. It occurs when, for neutral or private reasons, schools happen to be predominantly white or black or Hispanic. No official racial motive is involved. It just happens, often as a result of private efforts to avoid integrated education. In that case, there is no constitutional violation. The state is not obligated to do anything to correct the problem because it did not "cause" it.

What is the result of these rules? Chaos. If the segregation is not "caused" by racially motivated state action, the *de facto* effects on the "hearts and minds" of black students in predominantly or exclusively minority classrooms are a matter beyond the jurisdiction of the Constitution. The students themselves probably do not understand the distinctions; they know only, as did their predecessors in the age of *Plessy*, that there are white schools and black schools and they go to a black school. But since the state, this time, did not intend to send them to a black school, it is all right with the Court.

If, on the other hand, *de jure* segregation is proven, the vestiges of the dual school system must be eliminated "root and branch." Indeed, as the Court held with regard

to the Denver school system, a federal court may order desegregation remedies throughout an entire school district based on proof of intentional discrimination in only part of the district. But despite the Court's willingness to "open the throttle" once intentional discrimination is proven, the *de jure* side of the equation leads to some anomalies of its own.

First, causality. Only in a lawyer's mind could there be a logical connection here between the wrong and the remedy. If my negligence causes you to suffer an injury, I may be required to pay you damages for the injury. If we have a contract and I break it, I may be required to pay you damages caused by my breach. In these situations, the line of causality is more or less clear. But it is a very different use of the word "cause" to say that a school board's past discriminatory intent *caused* the racially polarized school system that may now exist. Too many intervening forces, racially neutral or private forces, may be present. Nevertheless, the Court will ignore these and assume that the prior discriminatory intent *caused* the current segregation. Its order is more a punishment aimed at the school system than a vindication of the interests of the minority pupil. This theory simply goes too far in the wrong direction.

Nothing could make this clearer than the recent example in Pasadena, Calif. A federal judge, finding prior intent to discriminate in the Pasadena school system, entered a decree prohibiting a majority of a minority at any Pasadena school. Then, as a result of population shifts over the years, five of the system's thirty-two schools eventually had black enrollment exceeding 50 percent in violation of the order. The federal judge refused to change his order. The Supreme Court reversed, saying that the five schools had not become predominantly black as a result of state action, but of "people randomly moving into, out of and around" the school district's area. In other words, the population was regrouping itself to avoid the desegregation order, but this was private, not state, action and there was no remedy.

The Court's theory assumes that a desegregation order prior to private population shifts breaks the causality between a school district's original intentional discrimination and the new segregation that emerges. On the other hand, it is assumed that there is always a direct connection between segregative intent and segregated schooling, no matter how long ago the discrimination may have occurred and even though many private choices, including residential ones, have intervened and could on their own have led to the same dual school system. In effect, then, under this theory of causality, once the federal court has stepped in with a desegregation order, the slate is wiped clean and the private forces are allowed to resegregate the schools. If nothing else, a desegregation order can be a boon to real estate brokers.

A second anomalous result of the *de jure* side of the equation is that, even when intentional segregation exists in a particular school district, the federal courts have no power to correct it if the only available remedy is to cross the line into another "innocent" school district. That happened in Detroit, where a federal judge found that intentional acts of discrimination, by city and state officials, had produced *de jure* segregation in the school



Griffin Bell

system. But he also concluded that there was no way to desegregate the Detroit schools without requiring busing into and from neighboring school districts. The Supreme Court reversed the order for interdistrict busing because there was no proof that the outlying districts had intentionally discriminated. So there was a *de jure* wrong, but under the Supreme Court's way of thinking, no cure for it. The outlying districts could not be punished with an integration order because they were innocent.

All this has come to a head in the case of Austin, Texas. The Austin Independent School District (AISD) admittedly discriminated against blacks. It was also accused, by the United States and a number of individuals, of having discriminated against Mexican-Americans. The Fifth Circuit Court of Appeals eventually held that the AISD did discriminate against Mexican-Americans, but in a particular way. The AISD had adopted a neighborhood school system for Austin. While that would seem to be racially neutral, if residential patterns are racially segregated, then a neighborhood system means racially segregated schools. Since racially segregated schools are an inevitable, let alone foreseeable, consequence of imposing a neighborhood school system on racially segregated housing, the Fifth Circuit ruled that the AISD had intended to implement a segregated school system. Accordingly, the federal courts could justifiably require the AISD to take affirmative action to eliminate the segregation "root and branch."

This decision is more important than it might appear. The neighborhood school is the other side of the busing coin. Once the nation's school districts are "sanitized" by a stream of school desegregation orders, we can expect the phenomenon that occurred in Pasadena to repeat itself elsewhere. People will move to escape the effects of the desegregation order. If housing patterns change as a result of white flight, and if school districts use neighborhood school systems, and if the Supreme Court maintains its *de jure/de facto* distinction, then there will inevitably recur the very dual school system allowed under *Plessy's* reign and condemned by *Brown* as working psychological damage "unlikely ever to be undone." But if the Fifth Circuit view that a school board discriminates when it adopts a neighborhood school system for a racially segregated area is accepted, dual systems would be impossible.

On the other hand, the Fifth Circuit's ruling would have the effect of requiring busing and prohibiting neighborhood schools whenever there is residential segregation, even if the segregated housing patterns result from purely private choice.

The Supreme Court has reversed the Fifth Circuit's *Austin* opinion, in a brief opinion earlier this year remanding the case to the Circuit for reconsideration in light of another case called *Washington v. Davis*. That case involved not schooling but testing for the job of policeman in Washington, D.C. The plaintiffs in that case complained that their constitutional rights were violated because the test for policemen had a disproportionate impact on blacks—that is, more blacks failed the test than whites. They claimed that, since the test did not

really show who would be a good policeman and who would not, the test should not be allowed.

The Court rejected this challenge, ruling that there was no discriminatory motive in using the test and that, under the Constitution, a discriminatory effect was not enough. By reversing the *Austin* case with a citation to *Washington v. Davis*, the Supreme Court suggested to the Fifth Circuit: If the use of the neighborhood school was not accompanied by a discriminatory intent, the fact that it has such an effect—even a foreseeable one—does not amount to a constitutional violation. Shortly thereafter, in the *Arlington Heights* case, the Court applied the same intent/effect distinction (another way of referring to the *de jure/de facto* distinction) to zoning regulations that resulted in excluding blacks from certain neighborhoods. In fact, the Court went even further; it said that zoning ordinances that have a racially discriminatory impact are constitutional even if some racially discriminatory intent prompted their passage, as long as there were also other reasons, not racially motivated, that would have brought about the zoning ordinances on their own.

It takes little imagination to recognize how this *triple-header*—*Pasadena*, *Arlington Heights* and *Austin*—can put us back in the "separate but equal" era. Their cumulative effect is to give communities three legal weapons—the neighborhood school, exclusionary zoning and valid private discrimination—that will enable them to create insurmountable legal protection for segregated schools. Add to this mix the Court's decision in the *San Antonio* case (1973), that it does not violate equal protection to finance public school education through local property taxes even if the result is to make the *per capita* student expenditure many times higher in "rich" districts than in "poor" ones, and the prospect arises not only of separate schools but of educationally unequal ones as well.

The Justice Department had a number of choices when faced with the Fifth Circuit's *Austin* decision, the Supreme Court's response, and the effect of the *Pasadena-Arlington Heights-Austin* trilogy. It could have pressed the Supreme Court to affirm the Fifth Circuit's theory in *Austin*. It did not do so. It urged, instead, that the Court remand the *Austin* case to the Fifth Circuit for reconsideration in light of *Washington v. Davis*. (It also urged the Court to affirm the Fifth Circuit, but on a different, much more limiting theory. It has repeated the narrow view in urging the Supreme Court to affirm this Sixth Circuit's desegregation order in another case now before the Court involving the Dayton school system. The Sixth Circuit had also taken a pro-integration position, rejected by the Justice Department, on the kind of proof needed to prove discriminatory intent.)

The Justice Department could have argued to the Fifth Circuit on remand that *Washington v. Davis* and *Arlington Heights* do not really apply to the *Austin* case because the effect of segregated schooling is much more negative than the impact of discriminatory zoning or of a policeman's test that more whites than blacks are able to pass. In other words, as Chief Justice Warren recognized in *Brown I*, schooling is unique: "[It] is a principal in-

strument in awakening the child to cultural values, in preparing him for later professional training, and in helping him adjust normally to his environment. . . . Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms."

The Justice Department did not, however, try to distinguish schooling from employment testing or zoning. It agreed that these could all be treated the same.

Under the Fourteenth Amendment, Congress can pass legislation that would make it illegal to use a neighborhood school plan when the effect is to assure segregated schools because the neighborhoods are themselves segregated. But the Justice Department has made no such legislative recommendation.

The *de jure/de facto* distinction can have no meaning except to lawyers—and to fewer and fewer of them. Justices Powell, Burger and Rehnquist reject the distinction. But while Justice Powell accepts the fact that *de*

facto segregation can be a violation of the Constitution, he does not believe that the remedy is busing. But neither does he suggest any other convincing way to prevent the psychological harms eloquently described in *Brown*.

The educational rights of minorities should not turn on nice distinctions developed in the law of torts. Those distinctions ignore the real issues here. The real issue is how to assure integrated schools everywhere, regardless of what a particular school district did or did not do five, ten or twenty years ago. The real issue is how to protect black children from the inevitable consequences that will flow as they become aware that, for whatever the reason, they do not go to school with white children. It is incumbent on the Justice Department to cut through the metaphysical and legalistic definitions the Supreme Court has created with the department's support and to deal with these real issues honestly and directly. It has not done that at any time since *Brown I* was decided in 1954; it is not doing it today. □

THE GREAT STRIP MINE FLOOD

PHIL PRIMACK

Little reported by most national media, massive flooding devastated many parts of the central Appalachian coal field the first week of April. While actual loss of life was not extensive (thanks as much to citizens' band radio and local understanding of spring rains as to any coherent warning service), property damage is in the hundreds of millions. Entire towns have effectively ceased to exist in parts of eastern Kentucky, Tennessee, West Virginia and southwestern Virginia. Thousands of people are homeless, and many of them protected by little if any flood insurance.

Comparisons have been made to the floods of 1957 and 1963, but in many areas this one is much worse, even though actual rainfall over two days was not much greater than it had been in previous flood years and may in places have been even less. People were surprised by the severity of the floods; many had been led to believe that Army Corps of Engineers dams which now lace the region would prevent such catastrophic results from heavy but not wholly abnormal mountain spring rains.

What made the difference this time was strip mining. The stripping, augering and wholesale displacement of millions of tons of mountain finally created in 1977 what people in Appalachia had been fearing, and warning about, for years: the great strip mine flood had finally arrived.

Aside from the sheer aesthetic loss in the denuded mountains, rampant stripping has removed huge expanses of the greatest natural barrier to flash flooding, namely

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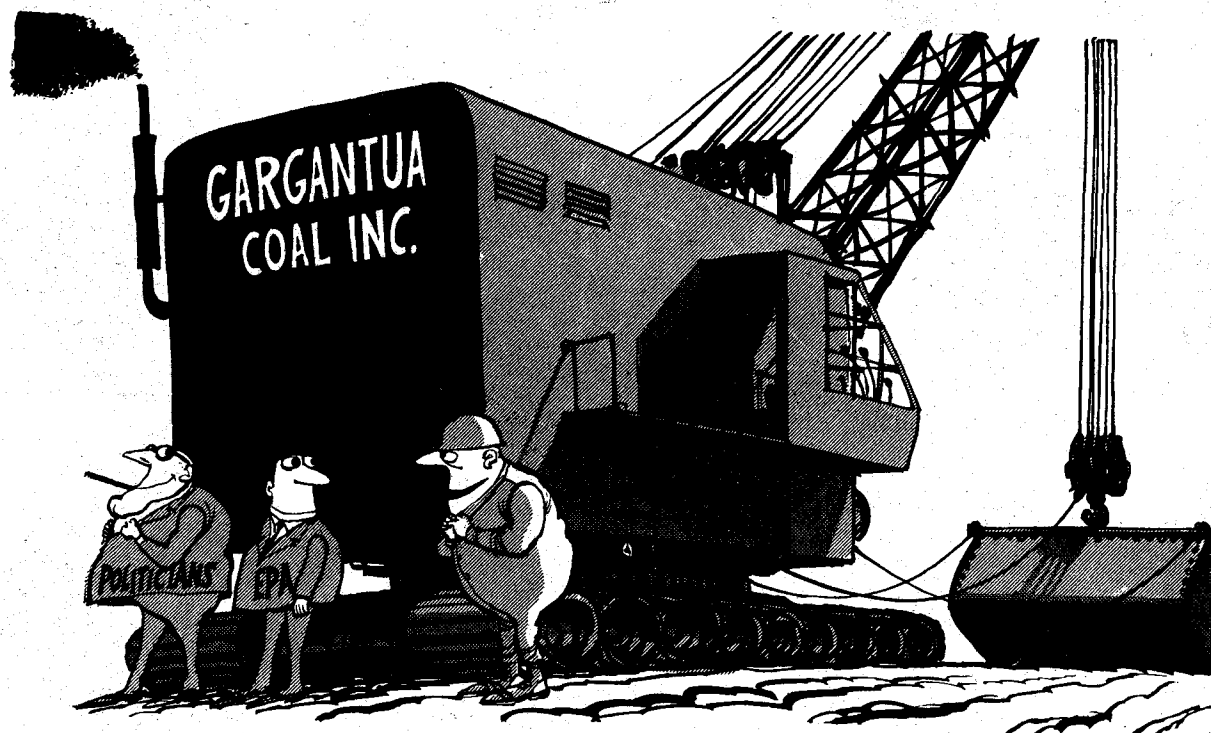
trees and other vegetation cover that hold the soil and slow the flow of runoff water. In the process, natural drainage patterns have been distorted or completely cut off.

Even worse, the silt, mud and other debris from stripping has ended up in creeks and rivers, interfering with their flow, raising the levels of their beds and thus compounding the impact of any flood-level rainfall. Even Corps of Engineers dams, though most of them are new, have been invaded by silt and other stripping byproducts, cutting the effective life span of some by a third or more. The extent to which stripping has also interfered with the effectiveness of the dams to control floods is evidenced best by the feet of water and mountains of sludge left by the flood waters in such "protected" areas as Pikeville, Ky. A lot of people never liked the dams in the first place—a lot more don't now.

Simmering resentment to stripping and its consequences is again visible, but such anger in the past has resulted in little permanent, effective relief. Even West Virginia Gov. Jay Rockefeller admitted after the flood that stripping was the key factor to its severity. Only weeks before, however, Rockefeller (once a firm anti-stripper himself until politics dictated otherwise) had appeared with other Appalachian politicians to tell a Congressional committee that tough federal strip controls are unnecessary.

Rockefeller, Kentucky Gov. Julian Carroll and the others parrot the eternal coal industry line that reclamation is possible, that existing laws are sufficient, that stripping is essential to meet this country's energy needs. (The one historic political exception, former Rep. Ken Hechler (D., W.Va.), was out in his red jeep hauling food to people in Williamson, W. Va., after the flood.)

Maybe it's because not too many people died, or because public image has mountaineers pegged as sorry



Oliphant, Denver Post

"Now If You Gentlemen Will Please Look the Other Way, I'm Going to Strip!"

down-and-outers anyway, or because coal is far more important than people—but for whatever reason, the horrible extent of this flood, and the factors behind it, seem of overwhelming nonimportance in Washington and elsewhere.

"We have been told proposed federal legislation should be changed to permit the Kentucky strip mine industry to continue doing business any way it wants," editorialized eastern Kentucky's *The Mountain Eagle*. "There is a kind of insanity at work that seems to block out all common sense when the subject of eastern Kentucky, coal and conservation comes up. It is a kind of insanity that says anything is all right, so long as it serves the coal industry. Somehow, however, mother nature refuses to take part in this hoax, and dunks the area deeper and deeper with more and more record floods, the Corps of Engineers notwithstanding."

That it will be any different this time is doubtful. President Carter is pro-coal, and the American coal industry, entrenched in its backward and shortsighted ways, says stripping is the way. It need not be. To be anti-strip mine is not to be anti-coal. A return to underground mining, where most of our coal lies, would not only provide long-term, reliable coal production, it would bring other substantial benefits:

¶ Underground mining employs far more people than do surface operations—jobs that pay a decent wage and last longer than strip employment, which is often transient.

¶ Some studies indicate that both recovery rate and BTU quality of coal recovered underground exceed those for surface-mined coal.

¶ The elimination of stripping, which floods the market with cheaper coal, would also eliminate what is perhaps

the greatest cause of cost cutting by underground operators, particularly in the critical area of mine safety. Operators could no longer point to competition with lower-priced strip coal as an excuse not to install the best and most modern safety equipment and to make miners work in unsafe conditions.

And, of course, an end to stripping would mean an end to environmental madness of unparalleled scale. Environmental not just in the sense of saving ancient mountains and forest but also in giving Appalachians the basic right other Americans automatically assume: the right to live in security and tranquillity.

"People are just plain angry here," said Jerry Hildebrand, who spent years working with other people in Williamson, W. Va., to start a successful local quality restaurant. Like hundreds of other Williamson businesses, it was wiped out by the flood. The restaurant had at least had some insurance—about \$50,000 to cover a loss estimated at \$250,000. Most local businesses had nothing.

Hildebrand said there's some talk of suing the coal companies whose silt and runoff were the main contributors to Williamson's destruction. It will be hard to do, requiring the kind of money and time that most people don't have, particularly when their homes and businesses are dripping with mud. Hildebrand also expressed bitterness and dismay at the apparent failure of West Virginia officials to realize the full extent of the damage, and the cause of it. And the implications for the future.

"This whole thing could happen again next week," he noted. All it would take is another two-day stretch of heavy rain and continued strip mining. The former is inevitable; the latter need not be. □

BOOKS & THE ARTS

The Passionless Observer

A LONG TIME COMING: The Struggle to Unionize America's Farm Workers. By Dick Meister and Anne Loftis. Macmillan. 241 pp. \$14.95.

CHRISTOPHER BIFFLE

This is the best book of its kind which, I hope to convince you, is less of a recommendation than it sounds. You can find out more about child labor in Ron B. Taylor's *Sweatshops in the Sun*, or Cesar Chavez's life in either of the biographies by Taylor or Jacques Levy, or the early days of the grape strike in Eugene Nelson's *Huelga—The First Hundred Days of the Delano Grape Strike*, or the manic atmosphere around Delano in *Delano* by John Gregory Dunne, or the history of the general problems of agriculture and farm labor in California in Carey McWilliams's classic *Factories in the Field*. But, if you're going to buy one book on farm labor, buy this one.

The first half of Meister and Loftis begins with the Wobblies in 1905, goes through the Communist Cannery and Agricultural Workers Industrial Union in the 1930s, includes two interesting chapters on the little discussed Southern Tenant Farmers' Union in the South in the 1930s and the International Longshoremen's and Warehousemen's Union in Hawaii in the 1930s and 1940s. The second half of the book is an analysis of the rise of the UFW through the alphabet soup of FWA, NFWA, AWOC and UFWOC. The last chapter finds us as up to date as one could expect with the defeat of Proposition 13, the Farm Workers' Initiative, by the growers in California last November. It is just as well that the very recent accord between Teamsters and the UFW could not have been included as the history of these agreements demonstrates they are easily fractured.

Besides its relative brevity one of the strengths of the book is its inclusion of chapters on the struggle for unionization of farm workers outside California in the South and Hawaii. Of special interest is the account of the biracial Southern Tenant Farmers' Union.

STFU was begun by two white Socialists, H.L. Mitchell and Clay East

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who, respectively, ran a dry cleaning shop and a gas station in Tyronza, Ark. Their concern was with the desperate situation of both black and white sharecroppers and tenant farmers in the South. They contacted Norman Thomas in 1932 and obtained financial backing from the Socialist Party and formed the STFU two years later. At its strongest the STFU had enrolled an amazing 30,000 members in seven Southern states; tactically it concentrated on pressing for governmental reforms, pursuing court actions against growers, and promoting an occasional successful strike. Though it was the continuing target of both dynamite and bullet from the Klan and the growers, it was the CIO which eventually proved its downfall. At the peak of its strength, according to Meister and Loftis, merger with the larger union and the attendant centralization, rigidity and conflict in aims reduced its original 178 locals to forty. By 1941 when Mitchell removed the STFU from the CIO there was only a handful of members. What is interesting about the whole enterprise is that any organization among poor people across racial lines could have lasted so long in the South, especially forty years ago. Meister and Loftis force us to reconsider the stereotype of the implacable hatred of poor whites for poor blacks.

I can't make clear the major problem with this book and others of its kind without drawing a somewhat problematical distinction between what I want to call the Passionate Observer and the Passionless Observer. Near the beginning of a great book the author describes his desire to throw himself at the feet of a black couple he has unintentionally frightened on a Southern road. "They just kept looking at me. There was no more for them to say than for me. The least I could have done was to throw myself flat on my face and embrace and kiss their feet. That impulse took hold of me so powerfully, from my whole body, not by thought, that I caught myself from doing it exactly and as scarcely as you snatch yourself from jumping from a sheer height. . . ." I want this incident from James Agee and Walker Evans's *Let Us Now Praise Famous Men* to stand as the paradigm of the Passionate Observer.

The Passionate Observer always in-

cludes himself in the scene he describes either by itemizing his actual emotions or by giving us a language so rich and dense that we can hear his living voice. Another way of saying this is that the Passionate Observer constructs a world—in this case the South in 1936—and at the same time includes a steady portrait of the one doing the constructing. The Passionate Observer's method is inclusive rather than exclusive. In the case of our paradigm a sentence that begins with hoes is likely to end lassoing the universe. Further, for the Passionate Observer "unimportant" never modifies "detail." Thus, Agee gives us several hundred words on the whirls of grain in the raw lumber of a sharecropper's cabin, the various stages of age and dignity in overalls and the clotted stink of pork fat. For the Passionate Observer the incidental is holy. If he were describing the night sky, he would begin with a description of each star.

The Passionate Observer does not believe in objectivity; he believes some facts are so poignant that it is inhuman to be objective about them. The Passionate Observer is conscious of the impossibility of his task because he knows he will never be anything but a stranger to his subject. He is conscious of the obscenity of his task because his presence transforms his subject, in this case poor tenant farmers, into "the observed." The Passionate Observer is as interested in the praise and defense of his subject as he is in "analysis." He stands in an attitude of permanent apology toward his subjects that they should be subjects at all. To keep them from being facts he wants to throw himself at their feet.

The Passionless Observer writes a page that will only focus at arm's length. He never talks about himself; only the blurb informs us that Dick Meister was a reporter for the Associated Press and that Anne Loftis is the daughter of Allan Nevins. The prose of the Passionless Observer gives no appearance of coming from a living, passionate hand; when it is bad it drones, when it is good it makes a machinelike hum, and on the few occasions it tries for "color" it produces phrases like these: "sleepy little San Joaquin Valley town named Delano . . . brown skinned Mexican Americans . . . fiercely proud . . . blistering morning sun . . . Chavez (and his) impassive Indian face. . . ." Much better the hum!

Meister and Loftis mostly hum.

The Passionless Observer is more comfortable with events than people. In fact history, in this case labor history, appears strangely sanitized of the messy individuals that made it. Thus in Meister and Loftis we find an interesting photograph of Pat Chambers, head of the Communist Cannery and Agricultural Workers Industrial Union in the 1930s. In the picture he looks to be a man so ill-used by the world that next to him Cesar Chavez would appear a dandy. All we find out from the accompanying prose is that he was a "31-year-old construction worker" . . . and this from a chapter where his union and activities are the major subject. The Passionless Observer has the ability to see what happened without wondering who did it. He must make a neuter of his heart in order that he remain passionless, and the effect upon his subjects is to make them into names and lukewarm adjectives. The Passionless Observer is fond of numbers, laws, organizations, and statistics, believing these "speak for themselves." If Agee gives us a statistic it has blood and gristle on it. Everything is leveled, homogenized, by the nerveless eye of the Passionless Observer. He writes without exclamation. He cannot say who stinks.

Well! How might the Passionate Observer have rewritten Meister and Loftis? Faced with the same subject he would certainly have gone for salty recollections. Jack Hall, for example, who was head of the organizing effort in Hawaii, died only a few years ago; certainly crowds of people could have been found to tell us what he really acted and sounded like, what his defining idiosyncracies were—whether he was in the habit of burping at banquets or was always accompanied by a one-eyed cat. What I wanted was anything to make him more than a name on a page. A perfunctory biography is included, but his nature remains a mystery.

In fact there is hardly an incident in the book that the Passionate Observer could not have sought out survivors or sons of survivors to give an account of. In the first half of the book I got the uneasy feeling that most of it was obtained from libraries and not people. In the second half of the book, where Meister must have seen many of the events first-hand, this fact is kept secret, mummified in "objective" prose. The Passionate Observer would have included the cranky anecdotes of labor organizers and his own cranky reaction to them. The book really is about nothing other than labor organizers and they are God's most interesting creatures, obscene and idealistic. All of them that I have known

have one thing in common: they are excited by trouble; they like to stand face to face with it. Also, they happen to be vivid storytellers—first because they have such good stories to tell and second because the more vivid the story the better the organizer looks. I can remember once going out with two organizers to take a picture of a grower's fancy house in Delano. The grower came out, gave us hell and we raced off. But in listening to one of the organizers tell others about it back in the union hall I thought, Jesus is that what happened? I kept forgetting I had been there. The Passionate Observer would let such organizers lie to him. Dick Meister has certainly had more contact with these marvelous beasts than I have, but other than another pious portrait of Cesar Chavez we never get much of the smell of one. And by the way, if the Passionate Observer had to tell Cesar Chavez's life again he'd try for once to get to the bottom of him. Most of what I've read makes Chavez into a poster, yet I once heard a UFW organizer describe him as the "cleverest sonofabitch that ever lived." The Passionate Observer would start there.

The Passionate Observer would talk about the land. To me one of the primary characteristics of the farm labor struggle in California is that it takes place in unrelieved flatness. Walking any picket line,

working in any field, you are on a stage with no boundaries. To be a man in central California is automatically to be unimpressive. The Passionate Observer would get down into diaries and letters for the tang of the actual men who wrote them. He would give us more of what the men sang and said in the fields and something of what they scrawled on the walls of outhouses. He would tell us more about their diet, and their clothes and tools. Someone might object that such a book could never cover as much time and territory as Meister and Loftis. Fine, I answer. My whole point is that a Passionate Observer would write only about what he could make alive. Meister and Loftis say too little about too much, and everything is seen from the clouds.

But now I must confess the problematical nature of my distinction—since so much has been written in the name of passionless observation, and since so little of worth has been written in the name of passionate observation, my distinction is rather like a coin with one side. Thus, I urged you at the start to buy this book. It is at least the best example of what is ordinarily thought of as the right way of going about things. I, however, find myself on the other side of the fence and would prefer to end with an exclamation! □

Neither Bread Nor Roses

AMERICA'S WORKING WOMEN: A Documentary History—1600 to the Present. Edited by Rosalyn Baxandall, Linda Gordon and Susan Reverby. Vintage Books. 408 pp. Paper \$6.95.

PINK COLLAR WORKERS: Inside the World of Women's Work. By Louise Kapp Howe. G.P. Putnam's Sons. 301 pp. \$8.95.

ALLIS WOLFE

Today, when the media concentrate on the breakthroughs of exceptional women in the work force, when new magazines proliferate dedicated to the increasing upward mobility of women professionals, we tend to forget the majority of women who work or have worked in America.

Allis Wolfe is a co-director of the *Women at Work Project*, a traveling exhibit of photos, woodcuts and engravings depicting three centuries of women's work in New York City, opening in the fall of 1977. She has taught women's history and women's studies, and her articles have appeared in *Labor History*.

These two books now give the subject the attention it deserves.

If the working woman has been treated as peripheral and has been ignored by history and the media, these volumes place her correctly at center stage. She is the woman in "traditional" female jobs: domestic worker, seamstress, sales worker, waitress and office worker. Most often she has been granted neither bread nor roses for her work.

America's Working Women, edited and compiled by Rosalyn Baxandall, Linda Gordon and Susan Reverby, is a documentary history tracing women's work from colonial times to the present. It includes a rich array of documents written by women workers, reformers, labor organizers and labor historians. The book presents diaries, letters of working women, magazine articles, speeches, petitions, government reports and advertisements. It is impressive to note that this large selection represents but a fraction of the material collected by the editors.

After a brief look at women's work in the pre-industrial period, Baxandall, Gordon and Reverby turn to the book's cen-

tral theme: the rampant exploitation of women wage earners throughout American history, and the attempts of women to organize against it. Many of the 19th-century documents give voice to outrage and crushed hopes. They tell of starving seamstresses and waitresses forced to live in unheated garrets, working twelve hours a day, and subsisting on suppers of "milk, a box of soda crackers, and some cheese." The sources paint such a painful picture that we want to reject them as being too negative, too slanted, too much of a burlesque. Yet the experience is repeated so many times that we cannot dismiss it.

It is also painful to admit that trade unions, with few exceptions, were hostile to women workers, viewed them as a competitive threat, and refused to organize them. Nevertheless, the book offers evidence of numerous attempts by women, however short-lived, to organize themselves into protective organizations and unions.

Starting with the first Yankee mill girls, we are introduced to Leonora Barry, an organizer for the Knights of Labor which had "over 113 all-women locals" back in the 1880s; to Orthodox Jewish women on the Lower East Side who organized a boycott in 1902 against kosher butchers; to militant women strikers in the great Shirtwaist Strike sparked by the tragedy of the Triangle Fire in 1911; to Stella Nowicki, a 1930s CIO organizer working in the tough Chicago stockyards.

In the recent period, the editor's emphasis shifts away from reports describing working conditions and strikes to an investigation of women's feelings and perceptions about their dual roles in the family and on the job. Much has changed in the past 200 years; yet much has remained the same. As Johnnie Tillman tells us in a section headed "Welfare Is a Woman's Issue," "there are some ten million jobs that now pay less than the minimum wage, and if you're a woman, you've got the best chance of getting one."

Pink Collar Workers begins where Baxandall, Gordon and Reverby leave off. Louise Kapp Howe investigates the experience of the majority of women in the work force today, and chooses five common female occupations, devoting a chapter to each of them: beautician, saleswoman, waitress, clerical worker and homemaker. She presents both the individual experience of her subjects and offers a structural analysis of each occupation as well.

Although women, especially married women with children, have been entering the work force in increasing numbers, they are still being channeled into the

STATUES FROM A JANUARY RIVER

*After the sculptor's cuts
and chiselings, ice hunks
the size of small garages
change to horses, chariots
or bells.*

*Shining like chandeliers,
they prove the pyramids were wrong
to rival what the rain
alone remembers of our wars,
our kingdoms and our withering
cathedrals.*

*Better a loss
to the first crocus than to build
what's meant for banishing by winter
after winter of the wind.*

*Better
the handiwork that chisels clear
as dreams or tears just once—
just once before the vanishing.*

Samuel Hazo

"traditional" women's occupations. In fact, Howe tells us, "the rate of occupational segregation by sex is exactly as great today as it was at the turn of the century, if not a little greater. Only the jobs, not the proportions, seem to have really changed very much." Needless to say, each of these occupations is generally low paying, insecure, unorganized, oversupervised and apt to be part-time.

Howe offers us some familiarity with the women behind these statistics as she wants to know: "How did the women in these jobs actually feel about their work? What were their lives like? What was it like to be performing the work from their point of view?" A variety of strategies are used to answer these questions. The author took a job as a saleswoman at a busy New York City department store during the Christmas rush; she hung out at a beauty parlor in California; she spent time with a clerical worker in a large Chicago insurance company and with a waitress in New York, and they in turn introduced her to other women doing the same work; she also attended a conference for homemakers in Madison, Wis. Most important, Howe gained the confidence of her subjects. She spent time at their work place, interviewed them individually, and finally brought together the women she had spoken with to discuss their feelings about their work and the possibility of organizing to improve it.

Many of the women in this book enjoy the feeling of accomplishment from performing their jobs well and from the companionship of their co-workers. Suzy, who manages a beauty parlor, claims to like her job, despite low pay and the

lack of job security. The parlor is a "happy place . . . and we've got something good between the girls here, and that means a lot." Marianne, the only black beautician in the shop, tells Howe: "I really do think I give great haircuts. And I want everyone to think so, too. If a woman walks out and she doesn't like what I've done, then I really feel bad. Because you see that's my good name she's going to be spreading bad tales about."

All too often, however, the women have little control over their work. In offices and department stores they are switched from department to department without prior warning, and without the protection of unions, bosses are free to hire or fire at will. Once a woman gains a pink-collar job, it becomes quite difficult to move on to something better. At first Bonnie, a clerical worker in a large insurance firm, loved her job, "but then there are days when you feel, well, it's all right, everyone's nice, but I'm really not getting anywhere, am I? . . . sometimes it gets frustrating doing the same thing day after day. Year after year." And according to Ingrid, a waitress, "waitressing just sits there."

Howe gives special attention to the interrelationship between a woman's family responsibility and her job. She believes that many professional women, and feminists, have overemphasized the lives of those women who adhere to what Howe calls a "Pattern B" employment history; i.e., those women who remain in the "paid labor force continuously and full-time throughout all the years between leaving school and retirement." Women who follow this pattern are

"women without children, black women and women in professional and managerial jobs." Her point is that most women are not in this category. Most women work for a few years, take time out to have children, and then return to the paid labor force on a basis that "won't conflict with their remaining family responsibilities." Usually the only jobs that offer such flexible hours are the pink-collar variety. And when women fill these positions, the large corporations make tremendous profits from a permanent pool of cheap, unorganized labor. In fact, Howe points out, the corporations depend upon "A and P" (attrition and pregnancy) to keep their clerical salary levels down and their workers unorganized.

It is true that unions have still failed to organize women in the pink-collar ghetto. "Only 12.5 percent of women workers are unionized today compared to 13.8 percent ten years ago, and 17 percent in 1950." These statistics reveal a decline in union strength among working women, yet Howe believes that this situation will soon change for the better. Women are not, according to her, adverse to joining unions or simply uninterested in them. Two groups of women in the pink-collar ghetto are especially

likely to be class conscious: the wives of blue-collar workers who have seen the benefits of unionization to their husband's lives, and women college graduates who compose a large part of the clerical work force. Margie Albert, an organizer for District 65 of the Distributive Workers of America (AFL-CIO) told Howe that the women who approached her union first were "college graduates working as secretaries in universities and law offices and publishing houses, the so-called prestige places to work. In their case they're feeling the contradictions between the high expectations they entered their jobs with and the low realities they face: puny salaries, the limited promotions, mockery of affirmative-action programs."

Despite Howe's guarded optimism these two books show how intractable the problems of women workers are. America has yet to find a satisfactory way of dealing with women who have obligations to both work and family. In the absence of any structural changes in the social order, they too often end up being exploited. Held in low-paying and insecure jobs, receiving little recognition or respect for their services, they are ripe for organizing. It is just possible that these two books will be some help and inspiration to working women in their struggle. □

A NEW YEAR'S WISH

Like traveler's checks, the coming days are folded, bound. A numbered year ahead. Let the owner be assured that nothing can be stolen. Not one day. If missing, call or write. That day will be replaced upon demand.

As the first one comes, unsigned, see if the signature will match. Own it if it wears your name. And let what follows add itself to this: the price agreed on, what the heart can spend. To have it now, at any cost. Then want it all again.

Adrianne Marcus

the 1950s shouldn't a man join any organization on the Attorney General's list that will have him? These are the questions of the common man; they are relentlessly impertinent; they are not meant to make the asker impressive.

To say that this book is filled with marvelous stories is to state the obvious, and many of them are funny, even (if he'll pardon the expression) uplifting: stories from his childhood, especially those from the cheap hotel his mother ran in a shabby corner of Chicago, alive with ordinary yet splendidly eccentric working people; stories about the people of the neighborhood—cops, prostitutes, ward heelers and mobsters, all kinds of extraordinary, ordinary people. Even as a boy Studs delighted in misfits, knowing instinctively what most of us learn along the way, that none of us fit in, not truly, not the way we'd like to.

There are also stories about his blacklisted days. Not bitter stories, nor even angry ones, more rueful tales which ask why fellow Americans treated one another that way, why fear was so triumphant when all one had to do was stand up to it. One wonders how Studs managed to make such a joyous noise. "Why did I deliberately ignore the advice of these good people, who had my best interests at heart? Had I brains, I might have grown up to be Daniel Patrick Moynihan. Dare I dream the dream of a Dr. Kissinger? I might have become a respected contributor to *Commentary*. Hell, I might have written a scholarly treatise proving Alger Hiss indubitably guilty. Being Jewish, I would most certainly have come out courageously, four-square, against the Rosenbergs. God, to think I might even have edited a celebrated journal for the CIA. Oh well."

He answers his own question. "I had been, from boyhood on, influenced, and not for the better, by certain dirty old

Studs Terkel at Work

TALKING TO MYSELF: A Memoir of My Times. By Studs Terkel. Pantheon Books. 316 pp. \$10.

RICHARD J. WALTON

This is not a book review but a celebration of a man, for this is one of those times when the writer and his book are one and the same. I'm not saying that Studs has not been artful. He has. But his life is so marvelously of a piece that he might have carved out quite different chunks of it and presented them in a different fashion with the same result: a triumph of commonality.

Does that sound paradoxical? But if democracy American-style means anything, it is that the common man can do quite uncommon things. My nomination for Common Man of the Age is Studs who is capable of sympathy for the white racists in Montgomery and Johannesburg even while he abhors their ideas

and actions. His sympathy for the common man whose ideas may be loathsome is enormous. His sympathy for the powerful with such ideas is rather more limited.

Studs hates scenes yet always finds himself making one because he is unable to resist asking those in power impertinent questions. When a general on a Sunday afternoon TV panel show says that everyone knows why we're in Vietnam, Studs doesn't know, and he waits to hear one of those high-powered journalists say, "Tell me, General, exactly why are we in Vietnam?" He says he's still waiting to hear an impertinent straightforward question on one of those shows. So am I, although I've made it a sensible practice to avoid such patty-cake sessions whenever possible. He does not affect sophistication and he is not afraid of repeating the obvious questions—why shouldn't blacks be treated equally with whites in this country? Why are black miners in South Africa treated like beasts of burden while white miners live in suburban homes with swimming pools and black servants? Why during

Richard Walton is the author of Henry Wallace, Harry Truman, and the Cold War (Viking Press).

men living at the hotel, who constantly favored me with little nickel blue books: writings of Eugene V. Debs, Clarence Darrow, Thomas Paine, Bob Ingersoll, Upton Sinclair, Voltaire, that bunch. I suspect that may have been why I was omnipresent, in the thirties, forties and fifties, at those gatherings that subsequently found their way onto the attorney generals' list. . . ."

Had I not sworn off heroes a couple of decades ago Studs would be in there with a very small company of others: Izzy Stone, Dorothy Day, Pete Seeger and Carey McWilliams, not many more. □

DANCE

NANCY GOLDNER

As its title suggests, Martha Graham's *Primitive Mysteries* enacts a ceremony. The dance passes through three stages: a prelude in which a group prepares for a rite; the rite itself, which gathers into a moment of crisis; and the resolution, which confirms the deliverance from that crisis and intimates the possibility of future ceremony. Graham calls the first section "Hymn to the Virgin"; the second, "Crucifixus," and the third, "Hosanna." Whether one regards the girl in white as Virgin or as the body in the middle of the other bodies, every single gesture in *Primitive Mysteries* is both symbolic and a concrete expression of itself. By the time it is over, in some twenty minutes, it has become almost a definition of the kind of ceremony we regard as ritual.

Primitive Mysteries begins with fourteen women walking out of the wings, in formation of a three-sided square. They walk resolutely, heels wedged into the floor with each footstep. They know exactly where they are walking, for when they reach the center of the stage they stop dead; they have arrived. In the center of the square is a lone woman. Although distinguished by a different dress (hers is white organdy; the others, royal blue jersey with white ruffles at the hem) and by a different hairdo (hers is long and flowing; the others' in buns), what sets her apart definitively is her position in the center of the square. Her eyes downcast and her face set as a mask, she is a vessel, neither confirming nor denying her pivotal role. The scene seems prescribed. Something or someone must stand in the center, and this figure is it.

Not quite, we discover. The group now forms into clusters. The central figure strides to each cluster, stiffly re-

clining into its collective torso. The cluster echoes the angles of her arms and ricochets her to the next. When she returns to the center she is still a vessel but one acknowledged by the group. With her stature now a conscious choice as well as physical fact, the group circles around her, underscoring the act of investiture. Just at the point when they begin to pick up speed, they stop dead again. The central figure raises herself from a deep knee bend. Her flexed arms return to her sides. They all march off as they had marched on.

Within the space of a breath, the group files on again, this time in jagged panels and in smaller, tighter strides. And this time, the central figure is accompanied by two women. Once at stage center, their torsos tilt toward her, their inside arms describing an X across her pelvis. Her lower body both bowered and imprisoned, she walks in place. The group echoes her walk. Her arms reach upward, becoming a funnel through which the stymied energy of her walk may pass. The group parallels her, so that the stage fills with rumbling throbs. Suddenly the two assistants step aside, revealing the central figure in full figure. She takes one step forward. That step snakes the group out of its lines and into a circle. Once again they circle in running steps; this time the runs become leaps, and the tempo builds to a stampede. Once again the action stops on a dime. They recess; then walk on for the third time.

Now the central figure is accompanied by one woman. She stands behind the woman in white, a shadow and an extension. The group jumps in quick little fountains of energy. The central figure rests on the ground while her shadow, looming above, crowns her with splayed fingers. The group falls to the ground. The two women in the center fall

to the ground. Then they all rise and recess in the same formation in which they had entered at the beginning of the dance, except that now two women occupy the center of the square. The Virgin is dead; long live the Virgin.

Primitive Mysteries was made in 1931. It was revived for students in 1964 and is re-revived by Sophie Maslow for the Graham company's spring season at the Lunt-Fontanne Theatre. Graham made the dance after having spent some time in the Southwest. If one is in a fanciful mood, it is possible to see the Southwest's stark, clean outlines reflected in this dance. What is absolutely certain is that the architectural grandeur of *Primitive Mysteries* rises out of a choreographer at the peak of her incisiveness. Just as the dance is about a group of women who know exactly what they must do, so is this dance made by a woman who knows. Its austerity and purposefulness are not to be confused with Bauhaus grimness, however. Rolling up behind every jagged line is a curved line. The square becomes a circle. For every heel locked into the ground there is a subsequent spring onto the ball of the foot. The celebrants' clenched arms find release in the Virgin's full-faced, open-bodied stances, assumed once she has the group's permission to be its symbol. That first circular run, its momentum nipped in the bud, is unleashed the second time around. The tensely asymmetrical groupings of the crucifix yield to symmetry in the hosanna.

Yet despite the care with which Graham weighs dissonance against harmony, *Primitive Mysteries* is shocking for its rawness. As much as it is about the rites of passage, so is it about elbows and knuckles. The Virgin cups her hands with

A WINDOW TO LET PRIDE OUT

*This place by the fire we keep
for a visiting ghost to sleep,
there with its head rested against the wall—
unseen, unfelt, unheard, but invited here,
lest sense imprison thought and hope.*

*Every house has a room, some corner
at least, for a bird or a flower,
an implied presence of more than ourselves:
even God might have a niche for what we forget,
for tides and torrents too great for us to know—*

*For spirits or ghosts maybe
that never touch, but hunger for some little hint
from people, an occasional thought at least:
how small or faint our lives are—
the blank we come from, and the unknown where we go.*

William Stafford

her fingers pressed white against one another, her knuckles bulging like car-buncles. The celebrants run with their arms locked behind their backs, their elbows rising humplike out of their spines. At other times their upper arms clench their sides while the lower arms shoot out of their hips like spikes. Or they stand full-face, arms bent back over their faces, so that all we can see are protruding elbows and fingers curling around throats. Contradicting the natural expanse of their shoulders, they strait-jacket their arms into skinny Vs, so that their shoulders, and just possibly their lungs, hunch together. How can they breathe?

And how can Graham make a dance so universal in theme and so bizarre in its dance motifs? How can she show women at their most bony and yet contrive to make this dance, from a feminist point of view, the most dignified she has ever made? It has been said that once Graham admitted men to her company she betrayed her deepest instincts. This is nonsense, but there is something to the theory that whenever a woman dances with a man in a Graham work she turns neurotic. Her body shrinks into its pelvis so as to accentuate the difference in size between herself and the male. She becomes wily, feline, at best a spitfire. Her strength is predicated on smallness. With no other sex to measure up against, the women in *Primitive Mysteries* are what they are. They move weirdly all right, but on their own terms. Self-definition neutralizes them, ultimately ennobs them. Graham is too honest to make elbows beautiful. Elbows are elbows, and that's O.K.

I thought that *Primitive Mysteries* was beautifully performed, though to tell the truth it would have taken awful dancing to interfere with the excitement of seeing this masterpiece for the first time. (Not even Louis Horst's tinkly score made a nuisance of itself.) The usual complaint about Graham revivals is that the dancers lack weight and psychological intensity. Hearing Graham herself on this subject would be invaluable. Lacking that, one may perhaps find a clue to her present thinking by noting that for this revival she added white flounciness to the hems of the blue shifts. In any case, I'm not convinced that *Primitive Mysteries* need be weightier than it now is; the choreography's geometric clarity says it all. Janet Eilber, The Virgin, was indeed ethereal and, yes, pretty. I thought her roundness and benign calm were in thrilling contrast to the group, although I can imagine a more statuesque dancer (does that mean weightier dancer?) in the role. Specula-

tion about the best possible performance is somewhat idle, however, when dealing with the likes of a *Primitive Mysteries*. Its integrity is such that almost any Virgin could convince us of her symbolic power simply by virtue of the dance's design. *Primitive Mysteries* makes us believe that to stand in the center of the stage is to be powerful. □

FILMS

ROBERT HATCH

It is a fortunate coincidence that, Spain having returned to the society of open nations, two films directed by Carlos Saura are playing simultaneously in New York. The pictures complement, in a way strengthen, each other; their methods are comparable, and they suggest what it is about life that seems to haunt Mr. Saura.

I say "seems," because it is presumptuous to generalize about the preoccupations of a man of Saura's sensibility on the basis of two works. But, speaking tentatively, what moves him are the passions and terror, the courage and ignorant audacity of childhood that go unremarked by the presiding adults whose catch-all admonitions are "mind your manners" and "run off now and play." His way of dealing with this material is to employ parallel time tracks, so smoothly interfaced that one must be alert to recognize from moment to moment which segment of experience is dominant. To say that Saura employs flashbacks would not at all convey the effect, which is to persuade the viewer that past and present are a single web.

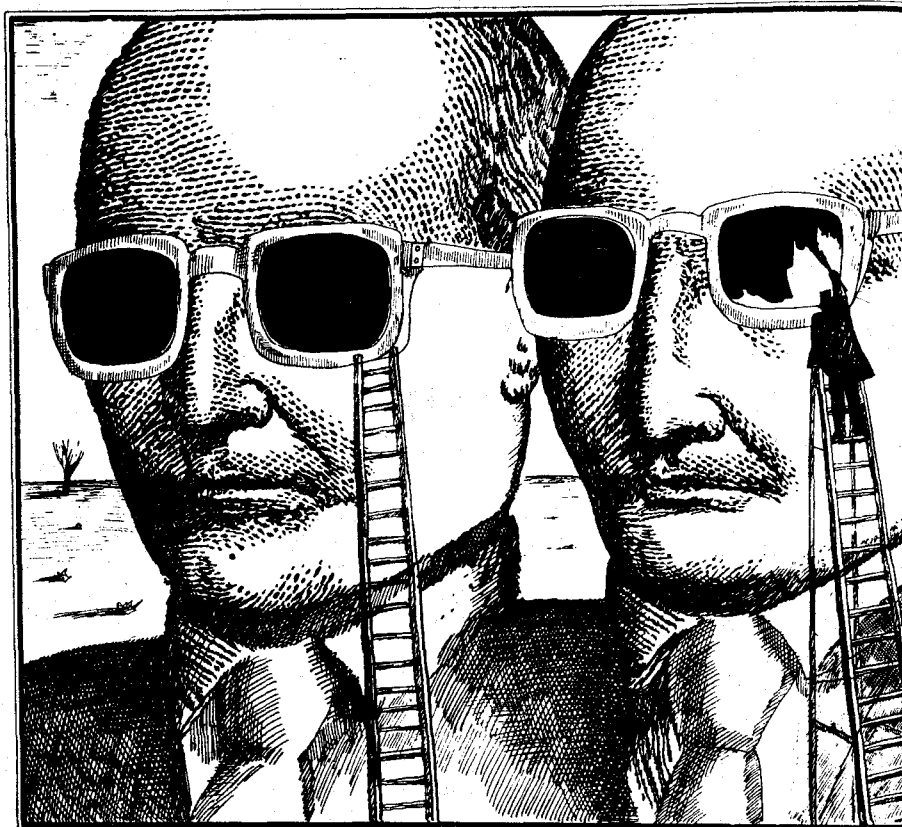
In the films now showing here the prism of time is set at different angles. *Cria* is the story of a small girl who, for a period of several years up to the age of 9, becomes involved in adult affairs she only fractionally understands, but which she feels obligated to manipulate according to her view of what the situations require. The events are told as remembered by the heroine grown up, but the frame of the picture is the period of childhood, which itself is presented in superimposed time sequences. In *Cousin Angélica*, a man of 40 or so returns for the first time to the scenes and people of his childhood. The action is grounded in the present, but sounds, objects and similar catalysts of memory vividly and repeatedly project him into the past.

The ads in New York are "starring" Geraldine Chaplin in *Cria*, but that must be because hers is the one name in the

cast known to Americans (most recently for her performance in *Welcome to L.A.*). Ms. Chaplin is excellent as the mother of the child, Ana, and briefly as Ana grown, but the picture is carried by a most remarkable young actress, Ana Torrent. This little girl conveys the pain of contained guilt and terror with a power that a talented adult might be taxed to equal. And because she can do it—also, of course, because he wants us to understand what appalling experiences can occur in the loneliness of childhood—Saura burdens her with a succession of misadventures that may strike some viewers as straining plausibility in the cause of a thesis. Ana cannot walk through a door or run an errand without stumbling on an "unsuitable" scene. She observes her mother dying in agony; she surprises her father embracing another woman, and her aunt embracing that woman's husband; she overhears her parents quarreling bitterly; she catches her father in *flagrante*. Ana must attend a paralyzed grandmother who clearly hopes to die; she is the confidante of a servant who thinks, quite incorrectly, that small ears will not register her prurient gossip. And Ana is possessed of a box containing a substance she believes to be deadly poison. She administers some to her father, who dies; she offers some to her grandmother, who declines it; she slips some into a glass of milk which her aunt drinks with no ill effects. School reopens and Ana is last seen contentedly trotting up the stairs at the heels of her older sisters.

But the film covers several years, perhaps a third of Ana's life up to then. It is a long time for a little girl to play avenging angel—not in fantasy, as any child may in an unhappy hour but, as she thinks, in reality. The implied happy ending did not reassure me; I wanted to know what those peculiarly unlucky years had done to Ana, whether she had mastered them or been scarred. However, Saura is not telling a story in the common sense; he is evoking the trance-like state of a child cruelly misused on the assumption that a barrier protects the young from adult predicaments. *Cria* is a nightmare from which at the end Ana awakens into the at least temporary relief of being really a child. It is a collaboration between a director of deep compassion and an actress who, despite her youth, conveys as I cannot remember anyone else doing, what it means to be alone and tested beyond one's strength.

Cousin Angélica, operating from the present and with an adult at the focus, is a more "real," though no less subjective, work and here the old scars are



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"Too many public officials are trying to cure budget problems in state and local government by cutting human services. And by closing their eyes to a lot of human problems.

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evident enough. Luis (José Luis Lopez Vazquez), a gentle, courteous, evidently solitary man, but a successful publisher, has brought the bones of his mother south to be buried at last in the vault of her family. He has not been back to these parts and among these relatives since, as a boy of 12 or 13, his parents left him there for a summer. The reunion is a little awkward, for Luis's father was fighting with the Republicans and the southern family was Falangist. But blood ties are strong, his mission is one that tradition reveres and he is made welcome. The trouble is that Luis recalls, with too painful a precision, the climactic events of that summer.

In a less rigidly moral family, it would have been no great matter. The boy, homesick and somewhat cowed by his formal kin, is thrown much with Angélica, his gay and lovely cousin. Perversely and "against nature," since they are but children, he falls a bit in love with her, and she with him. There are tentative intimacies, they are discovered, a priest is summoned to lecture Luis on unclean behavior, he is enrolled in a class for moral instruction, where the impermanence of life and the eternity of damnation are made vivid to him by the example of a classmate who was killed during an air raid while in a "state of sin." The young couple ludicrously attempt to elope on a bicycle; they are brought back and Angélica's father beats Luis savagely.

Now past and present disconcertingly merge. Luis keeps confusing his present companions with their counterparts of the previous generation. We never see him as a child; instead the middle-aged Vazquez plays the role himself in the scenes Luis recalls. The effect is disconcerting, disagreeable even in the passages with Angélica (Maria Clara Fernandez), but Saura intends it to be so. The fact is that Luis grew up but did not mature after that summer. He still pines for his mother's protection, still would like to play with his little cousin. Thus, when he discovers that Angélica, now married and with children of her own, is unhappy and willing to turn to him, he flees in the panic of inadequacy. The frightening possibility—it comes to nothing, since Luis is a man of excellent, if stunted, instincts—is that he is falling in love with Angélica's just-nubile daughter. So the visit south, though it ends rather abruptly, passes off well enough, except that Luis presumably knows now the cell of childhood to which he is confined. All this is conveyed quietly, with little said and no real confrontation. Vazquez is an actor who by expression and gesture, without the need of much plot furniture, can make the spirit of a man transparent.

These two pictures, both made several years ago, are not concerned with politics in any direct way, but neither are they works that would have been let out of Spain while Franco lived. It is not just that Saura allies himself implicitly with the Republicans; it is also that he detests the arrogant power of Spanish Catholicism to hold the bourgeoisie in a bondage of claustrophobic superstition. The atmosphere of both pictures is affluent and airless; the people appear to be strong and variously intelligent and well-intentioned, but too tightly clothed, confined by the authority of convention closely allied to class. Compared to similarly situated French or Italians, these Spaniards seem dominated—and by pressures that Franco certainly imposed but did not himself create. Again, it is rash to generalize from two films, but one does not get from Saura the impression that the collapse of a political tyranny will in itself set his countrymen free. Like the tormented protagonists of his splendid pictures, they will be required to come to terms with an ancient Spanish childhood.

Black and White in Color, made on the Ivory Coast by Jean-Jacques Annaud, a Swiss director, and a mostly French cast, is a "small" picture that makes (on me at least) a rather large impression. The time is World War I; the "given" situation is two minuscule African frontier forts, one French, one German, that very late in the day discover their countries to be at war; the subject is human folly.

Having reduced nationalism, greed and glory to their smallest possible dimensions, the film blows them away like dust from the palm of God's hand. On the French side, from where the action is observed, the participants in military excess consist of one sergeant, three shopkeepers, three wives of a sort, two priests, a young botanist of Socialist principles and a small sufficiency of cannon fodder obtained by barter with tribal chiefs.

All of these, save the botanist and the tribesmen, are introduced in various guises of lethargy, venality and racial insolence. They are clowns and they remain so, but of course warfare gives a sharp twist to the buffoonery. At first, the only soldier among them counsels inaction, since he is aware that war can be inconveniently heavy and bloody work; and the young Socialist, contemptuous of the instant patriotic clamor, demands consideration for the brotherhood of man. But clamor prevails: the merchants envision commissary advantages, the ladies foresee a camp followers' picnic, the clergy remembers that

TWO-SIDED

*What I love the most
is not attached,
a cloudlike shape
I think of as wandering
across the sea,
a wind-and-light fabric
between a water surface and
low branches of a tree,
someone's whistling
so far out in the dark
you can just make out
the shadow leaping
dangerously
on the far edge of a dock.*

*Yet here is a paradox:
without contact made
and more than that
without at least
modest attachment
what I love the most—
the stir in the thing
that moves with grace,
fiercely independent—
does not leap in the dark,
does not go whistling
in and out of sight
unpredictably
on precipitous ledges of the night.*

Arthur Gregor

the Church supports the Establishment, however small; the *Marseillaise* carries the day. War is deemed to have been declared and the brave troops, armed with pointed sticks, are cheered on their way.

Now comes a turn that changes laughter to a tighter grin. The expeditionary force is met by unexpected and rather superior counterforce; it retreats in confusion, and panic threatens as the patriots consider what may be expected from the presumably affronted Germans. Whereupon the botanist takes over. Surveying his feckless companions, he decides that if the day is to be saved, he had better save it. The transition from aloof scholar/idealist to similarly aloof strategist/tyrant is perhaps psychologically abrupt, but Jacques Spiesser in the role makes it at least plausible that a somewhat coldly rational young man could accomplish the transformation. And his ensuing dominance of the picture covers the remaining point about the effect of power.

All in all, a lot is accomplished by a film that puts on no airs and spends no large sums on big names and big effects. By locating its mini-combat on a remote African plain rather than, say, in a forgotten Alpine valley, *Black and*

White in Color raises the colonial considerations suggested by its title, but I think that aspect of civilized behavior is not central to the film maker's interest. At one point, the sergeant (Jean Carmet) says approximately: "I've made a fool of myself—and why not? I am a fool." That, suggests the picture, might be an epitaph for the race in general. But it softens the rigor of the judgment with a laugh of poetic justice when, at the close of hostilities, bagpipes are heard in the distance. If that observation is unclear, it will perhaps persuade you to see the picture. That, at least, is my hope. (Oh yes, *Black and White* won an Oscar as the best foreign-language picture of the year—an honor that doesn't often fall on a work of such unpretentious excellence.) □

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THEATRE / Harold Clurman

It is no easy thing to review the production of a Greek tragedy. Much depends on what one expects from it. There is no tradition to refer to. Their times and circumstances are too remote for us to feel what the first audiences experienced. In the modern era most productions have been marked by a strongly German (or Reinhardt) stamp. Today we enter the theatre to see one of these plays with caution; a personal reaction is in order rather than a judgment.

I approach such occasions in a state of (comparative) innocence. It is not an ordinary "show" I am going to see: emotionally my connection with it is tenuous. I have read the plays many times; I have also read the scholars: literary, philosophic, historical. In Athens and Epidaurus, I have seen the theatres where they were originally performed. I am still in the dark.

As an "innocent" I must confess to having rarely been stirred by performances of these classics. On reading *Prometheus Bound* I found the gods' punishment of Prometheus for having on his own the presumption to improve the human condition both appalling and inspiring. I was impressed more than moved by Andrei Serban's staging in Greek and Latin of *Medea*, *Electra* and *The Trojan Women* at La MaMa. It conveyed some of the extreme emotional violence at the center of Attic drama-turgy.

I find it necessary to state these "prejudices" before undertaking comment on the *Agamemnon*, "conceived by Andrei Serban and Elizabeth Swados using frag-

ments of the original Greek and Edith Hamilton's translation," and directed by Serban at the Vivian Beaumont Theatre. Otherwise I should feel guilty of what for me (and, I am convinced, for many others) is a species of critical fraudulence.

For all the brilliant craftsmanship, lavishness, careful study, determined effort and courage evident in the production, I was left almost completely cold. (One exception to this I shall mention further on.) The striking set, designed by Douglas Schmidt, transforms and makes use of the entire stage space (part of the audience is seated on movable platforms at the rear of the playing area). Much of the staging is visually superb; the company as a whole is thoroughly committed to the occasion. Departures from what is known of the ancient tradition are the enactment of the sacrifice of the child Iphigenia and the murder of Agamemnon, here performed before us in more or less literal detail. The Greeks called such episodes "obscene," which means what should be transmitted by speech alone. We also see a foreshadowing of the vengeance of Orestes and Electra, the continuance of the tragedy of the House of Atreus, which is the production's final stroke.

A ritualized style is established from the outset, most of the lines are chanted or uttered in uneven song-speech rhythm to music composed by Elizabeth Swados. Except when the speeches are by Priscilla Smith (Clytemnestra and Cassandra) and Jamil Zakkai (Agamemnon and Aegisthus), very few lines are dis-

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tinctly heard, though everyone tries to make them so. One of the difficulties is that too many effects of sight and movement are in progress for the audience to concentrate on the words.

All this makes for a most remarkable *spectacle*, a kind of blazing grand opera. But before noting my most affective memory of the evening, I must pause to dispel the impression that my opening paragraph may have induced: that I am insensible to the might of Greek tragedy. What the entire body of work in Aeschylus, Sophocles and Euripides dramatizes is the inalterable destructiveness present in the very seed of earthly creation. War and all its consequences are the most recurrent and horrendous manifestations of the evil immanent in the world.

Perhaps "evil" is not a proper designation for what is implied by Greek pessimism. It is Fate, the chaos and devastation to which humankind must accommodate itself by almost godlike powers of reason and heroic steadfastness of will. Only by becoming reconciled to this Fate can we come to bear it. Consent to this "fault" in the universal structure is wisdom. The pity with which Greek tragedy is supposed to purge us is much sterner than the Judeo-Christian conception of it. It allows few tears; it springs from what is at once barbaric and the height of civilized atti-

tude. We must make ourselves one with the cruelty of nature (existence) or, by understanding it, defy it. Through this the so-called classic balance and poise are achieved.

Nothing of this is communicated in the new *Agamemnon*. It is largely decoration: skillful, splendid and theatrically self-adulatory. It is removed from the essence, from basic expression. It hides the life of the play; it does not reveal it. Making us aware of how unusually talented are its producers, it does not hurt, terrify or exalt us. It is idolatry, not religion.

There remains one saving grace. It is Priscilla Smith's subtly touching presence. I am not at all sure it has anything to do with the roles she plays. (Though one should watch her closely as she listens to Agamemnon's oration on his return from Troy: there is much endurance and feminine guile in her calm.) Quite apart from the extraordinary timbre of her voice and the sustained force in her use of it, there is a wonderful purity, a devotion to her task which lends a strange and penetrating beauty to everything she does. She gives herself selflessly to her task and carries it out to the minutest detail of gesture and intonation. What shines forth is not so much the persona of Medea or Clytemnestra but the face of a wonderful young (American) woman who exercises greater sway over our feelings than does all the production's grandiose panoply. □

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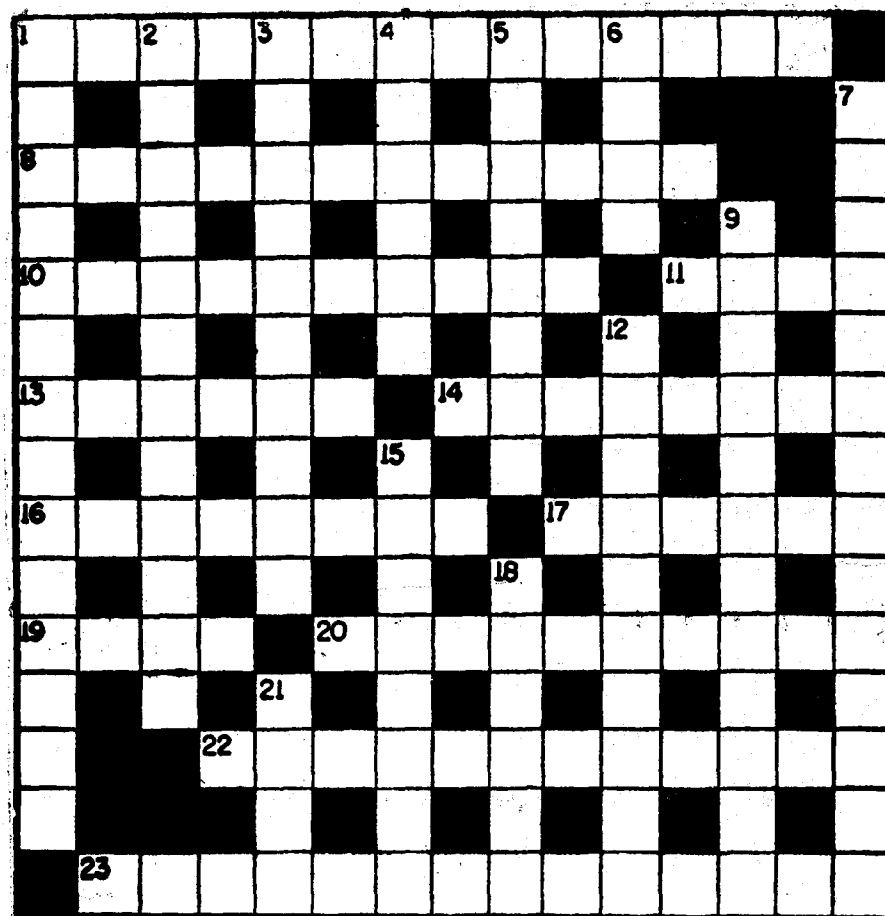
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Crossword Puzzle No. 1682

FRANK W. LEWIS



ACROSS

- 1 Such a tale as "Old Man River"? (One of the banks might hold yours.) (7,7)
- 8 One of the more famous of these is "an allegory on the banks of the Nile." (12)
- 10 Such coverage is not associated with a Bull Moose, however. (5,5)
- 11 "Oh! See the dog!" (Appropriate to Dick and Jane—or some other place.) (4)
- 13 For people who don't like slacks? (6)
- 14 As a rule, you can judge things by them. (8)
- 16 Possibly next in a mis-deed—but that's the way things are during a stretch. (8)
- 17 How, re Tchaikowsky, a miserable person is spotted there. (6)
- 19 Has sown the result of it, possibly. (4)
- 20 Confesses how the well-scrubbed youth arrives at the party. (5,5)
- 22 Will evidently isn't very old. (Revelations might be the last thing one would expect here!) (3,9)
- 23 I, or Adam? (3,5,6)

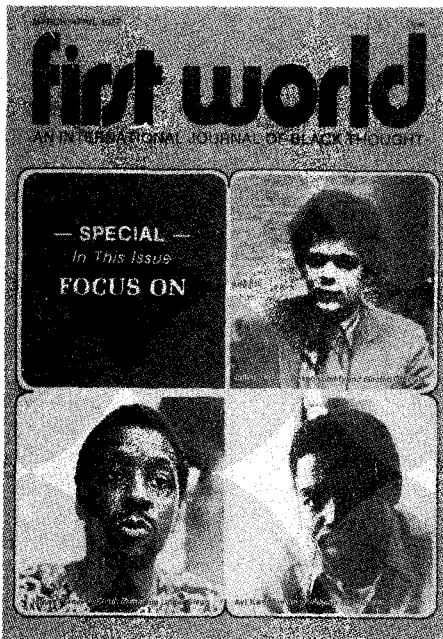
DOWN

- 1 What prospective Plebes might do. (Short story tellers might do it more quickly.) (4,2,3,5)
- 2 Certainly not moss-covered as one of the newer musicians might be. (7,5)
- 3 Making things easy for you, possibly. (10)

- 4 Without a doubt, you'd never expect to find him, according to the expression. (6)
- 5 Common creatures, especially out west. (8)
- 6 On Her Majesty's Service, they might have an association with the resistance. (4)
- 7 Wine and dirty linen might carry weight in Long Island. (4,10)
- 9 Is Purgatory one of the lower ones? (They might help keep things on an even keel.) (6,6)
- 12 Strict pursuit of the following naval tactic? (5,5)
- 15 Does one hope his 1 across is front-page stuff? (8)
- 18 Possibly an afternoon service. (3,3)
- 21 Quiet little creature, with somewhat disreputable riches. (4)

SOLUTION TO PUZZLE NO. 1681

ACROSS: Bystanders; 6 and 26 Gainsays; 10 Estelle; 11 Trances; 12 Drawers of water; 14 Overlord; 15 Advent; 16 Ravens; 18 Effusive; 22 Bright and early; 24 Chicory; 25 Almoner; 27 Pretenders. DOWN: 1 Breadboard; 2 Situate; 3 All well and good; 4 Dreiser; 5 Ratify; 7 Accrete; 8 Nose; 9 Man and Superman; 13 Steelyards; 17 Versify; 19 Fondant; 20 In range; 21 Stayer; 23 Acts.



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